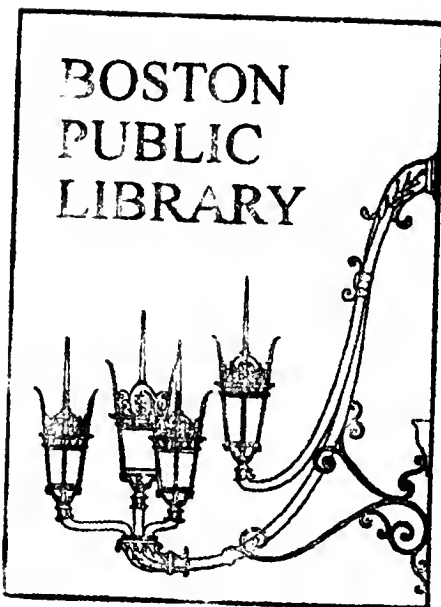




BOSTON
PUBLIC
LIBRARY



THE
COLONIAL LAWS
OF
MASSACHUSETTS.

REPRINTED FROM THE EDITION OF
1672,

WITH THE SUPPLEMENTS THROUGH 1686.

CONTAINING ALSO,

A BIBLIOGRAPHICAL PREFACE AND INTRODUCTION,
Treating of all the Printed Laws
From 1649 to 1686.

TOGETHER WITH

THE BODY OF LIBERTIES OF 1641,

AND THE

RECORDS OF THE COURT OF ASSISTANTS, 1641-1644.

BY WILLIAM H. WHITMORE, RECORD COMMISSIONER.

Published by Order of the City Council of Boston.

Printed By
Rothman & Co.
Littleton, Colorado
1995

Library of Congress Cataloging-in-Publication Data

Massachusetts.

[Laws, etc. (Colonial laws of Massachusetts)]

The colonial laws of Massachusetts : reprinted from the edition of 1672, with the supplements through 1686 : containing also, a bibliographical preface and introduction, treating all the printed laws from 1649 to 1686 : together with the Body of Liberties of 1641, and the records of the Court of Assistants, 1641-1644 / by William H. Whitmore.

p. cm.

Originally published: Boston, 1890.

Includes indexes.

ISBN 0-8377-2054-0

1. Law--Massachusetts. I. Whitmore, William Henry, 1836-1900.
II. Massachusetts. Court of Assistants. III. Massachusetts. Laws,
etc. (Body of liberties). IV. Title.

KFM2430 1672 .A24

348.744'022--dc20

[347.440822]

94-46406
CIP

Printed in United States of America

902-321 REF

KFM 2430

1672

.A24

1217103



The paper used in this publication meets the minimum requirements of American National Standard for Information Sciences—Permanence of Paper for Printed Library Materials, ANSI Z39.48-1984.

THE
COLONIAL LAWS
OF
MASSACHUSETTS.

REPRINTED FROM THE EDITION OF
1672,

WITH THE SUPPLEMENTS THROUGH 1686.

CONTAINING ALSO,

A BIBLIOGRAPHICAL PREFACE AND INTRODUCTION,
Treating of all the Printed Laws
From 1649 to 1686.

TOGETHER WITH

THE BODY OF LIBERTIES OF 1641.

AND THE

RECORDS OF THE COURT OF ASSISTANTS, 1641-1644.

BY WILLIAM H. WHITMORE, RECORD COMMISSIONER.

Published by Order of the City Council of Boston.



BOSTON:
ROCKWELL AND CHURCHILL, CITY PRINTERS.
1890.

TABLE OF CONTENTS.

	PAGES
PREFACE	v-xvii
CORRECTIONS OF MASSACHUSETTS RECORDS, VOLS. I. AND II.	xix-xxiv
RECORDS OF COURT OF ASSISTANTS, 1641-1641	xxv-xliii
BIBLIOGRAPHICAL INTRODUCTION	1-138
(CONTAINING ALSO, THE BODY OF LIBERTIES OF 1641)	29-68
INDEX	139-150
SPECIAL INTRODUCTION TO LAWS OF 1672	1-ix
LAWS OF 1672	1-170
OLD INDEX THERETO	171-197
SUPPLEMENTS, 1672-1686	199-331
COUNCIL ORDERS, 1675-1685	335-355
NEW INDEX OF LAWS	359-395

P R E F A C E.

THE City of Boston has caused to be issued *fac-simile* reprints of the Colonial Laws of Massachusetts, of the two editions of 1660 and 1672. The reproduction of the edition of 1672 was first made in 1887, and contained no bibliographical preface; the reprint of the Laws of 1660, made in 1889, contained an introduction of 117 pages. As these two books are printed from electrotype plates, and may not improbably be re-issued from time to time, it has seemed best to recast the Introduction and make it applicable to either volume.

Although the State has published the Records of the Massachusetts Colony from 1629 to 1686, these do not supply the necessary information in regard to the laws. The entire code known as the Body of Liberties was enacted in 1641, but not entered on the Records. Again, in each Revision changes were made in codifying and condensing, and of course such revision superseded the older forms of the separate acts. Hence it is most desirable to have easy access to copies of the Laws of 1660, because from that date onward they embodied all the active general legislation. It must be conceded that any law of a general nature which was not included by Secretary Rawson and the committee in such codification, must be considered as repealed and null after that date.

Owing to the scarcity of copies of the Laws of the Colony and Province, the Legislature, in 1812, appointed Nathan Dane, William Prescott, and Joseph Story a committee "at the expense of the Commonwealth to collect the Charters and the public and general Laws of the late Colony and Province of Massachusetts Bay; and . . . to add in an appendix any other documents or laws which they may deem proper to explain the jurisprudence of this Commonwealth." One thousand copies were issued at the public expense, and this is the volume so often quoted in decisions as "Ancient Charters and General Laws."

Useful as this compilation has proved, it will be of necessity

entirely superseded by recent publications. The State has commenced and nearly concluded the publication of all the General Laws of the Province from 1692 to the Revolution, a work which is enriched with every kind of illustrative notes gathered by the industry of the indefatigable editor, A. C. Goodell. It has also published all of the Records of the Great and General Court and the Assistants, prior to 1686, carefully reproduced under the care of the late Dr. N. B. Shurtleff. Now the City of Boston has supplemented these by these two volumes of Laws, viz., the Liberties of 1641 and Revision of 1660, and the Revision of 1672 and Supplements.

The student will therefore have, in print, everything which the Commissioners of 1812 had to use mainly in manuscript. One suggestion indeed is made with the utmost diffidence by the present editor. In the Preface to *Ancient Charters* the editors say: "A number of colony acts of importance, especially in a historical view of our laws, have been found in the original records, not included in the edition of 1672; these have been selected and printed in this volume wherever found to have remained a material part of the colonial system."

In other words, the committee of 1812 did not reprint either the edition of Laws of 1660 or of 1672 complete, but they made a new compilation with a new arrangement of chapters, and inserted such general laws, evidently, as they considered "to have remained a material part of the colonial system."

With the utmost deference to the honored memory of Dane, Prescott, and Story, it is certain that we now know much more of the history of Massachusetts as a colony than was known in 1812. Such antiquaries as Farmer, Savage, Winthrop, Palfrey, Trumbull, Dexter, and Ellis, with the innumerable lesser historians, have added immensely to the true knowledge of the events of that period. Hence it may not be presumptuous to suggest that the selections made in 1812, even by such eminent lawyers, were not always wise, and by no means complete.¹

¹One instance may be cited. The present editor, after the Laws of 1672 was issued, received an inquiry from a prominent lawyer, asking for the reason for the omission of Section 19 of Chapter XVIII., of *Ancient Charters*. It will be found therein on p. 61, and refers to the punishment for Blasphemy. Now, it will be found that in 1641, *Liberty No. 91*, § 3, gave the first simple act punishing blasphemy. In 1646 (*Records, II.*, 176-177), this Section 19 was passed as printed. But in 1660 (and presumably in 1649), the Revised Statutes cut down the act to the form printed as Section 3 of this very chapter in *Anc. Char.*, p. 58. The editors in 1812 reprinted the first Act of 1646 as well as the revised form, but surely thereby they darkened counsel instead of aiding the student, who would suppose this §19 to be a different and continuing statute. — W. H. W.

During the past year the City of Boston has obtained for its Public Library the famous manuscript duplicate of the records of the Massachusetts General Court, formerly owned by Gov. Hutchinson, later by Col. Thomas Aspinwall, and last by Hon. Samuel L. M. Barlow of New York city. This acquisition has revived an interest in the question of the method in which our early official records of the legislature were kept, and especially in the matter of the literary importance of this manuscript.

This copy is a manuscript of 313 pages, beautifully written, the first 224 pages being in the well-known hand-writing of Thomas Lechford. As he left Boston August 3, 1641, the date of this portion is settled approximately. The manuscript begins thus: "A true copie of the Court booke of the Governor and Society of the Massachusetts Bay in New England." It is therefore avowedly a copy, not a duplicate original, and its great value lies in the fact that it is a wonderfully exact copy, so that it can be safely taken as an authority for all such passages as are missing or illegible in the original record now at the State House.

The Records preserved in the State House, and printed by Dr. Shurtleff, are contained in five volumes, but it should be noted that the third volume, as numbered and printed, is not part of the series. The periods covered by each, are:

- Vol. I. March, 1628-9 to Dec. 10, 1641.
- II. May 18, 1642 to Oct. 17, 1649.
- { IV. pt. 1, May 22, 1650 to Dec. 19, 1660.
- { IV. pt. 2, May 22, 1661 to March 11, 1673-4.
- V. May 27, 1674 to May 20, 1686.

These volumes contain the record of the Company of the Massachusetts Bay previous to the removal to New England, beginning in February, 1628-9. The entries continue along to a meeting at Southampton, Eng., March 18, 1629-30, then a Court of Assistants aboard the *Arbella*, March 23, 1629-30, and next "the first Court of Assistants, held at Charlton [*i.e.* Charlestown], August 23, 1630." From that date the record was presumably complete. Volume I contains records of the General Court and also of the Court of Assistants, but none of the later volumes record the proceedings of the Assistants.

There is no reason to doubt that these volumes were kept officially by the Secretaries, with some clerical aid duly noted by Dr. Shurtleff, and especially by Increase Nowell as to volumes 1 and 2, and by Edward Rawson as to volumes 4 and 5. We have

a very clear statement as to the shape of our records in the letter of Joseph Hills, dated in 1682, hereinafter printed, (Introduction, p. 127). He says that in preparing for the printed Code of 1649 he consulted, "the two old books of records, the book of liberties, and the great book then and since in the hands of Mr. Rawson." This seems to be an exact description, leaving out the lost manuscript Book of Liberties, of the existing records, vols. I. and II., pp. 312 and 247, respectively, and the great volume IV., of 736 pages.

So again in 1652 it appears that there were "two old books of records belonging to the General Court" as the following order testifies ; * —

"Forasmuch as their are two old bookes of Records belonging to the Generall court wherein are many Things involved which are of great concernment as well as in Rights and bounds of Lands as other material things ; which bookes are decayd and very Imethodicall, as Well in finding out any Record, as allso in Severall circumstantiall errors in entreing Some of the orders ; for Regulating whereof.

This Court orders that a committe be appointed in the vacancy of the court to overlooke those two books of Records aforesaid, and to correct all such circumstantiall errors in words in them contained, but not to alter anything for substane and matter ; and after the said books be viued and Corrected as before, then the Secretary is to take care that the said bookes bee truly transcribed into new books of Good paper, well bound, and covered with velume or parchment, and marginall abreviats of each order collected, an alphebetically table affixed for finding out of all orders therein, and all due chardge for transcription of the said bookes be duly paid unto the Secretary by the country.

The Magistrates have past this with reference to the consent of our brethren, the Deputies.

JO. ENDECOTT, Gov^r."

"The Deputies thinke meete a Committee shall examine all the records that are not extracted, abbreviated, or composed into the bookes of the printed lawes, and shall make amendment of all circumstantial errors without altering the substance, and present the same to the next sessions of court which may take care of the transcribing them ; and Mr. Hill, Capt. Johnson and the Secretary are desired to Joyne with some of the magistrates as a committee for that end.

WM. TORREY, Cleric."

"The Magistrates have voted Mr. Bellingham and Mr. Glover to Joyne with the Comitee of the brethren the Deputies to serve in the courte of election.

EDWARD RAWSON, Secret."

"Consented to by the Deputyes,

WM. TORREY, Cleric."

* I am greatly indebted to my friend, Mr. A. C. Goodell, jr., who kindly called my attention to the above important order which is preserved in Mass. Archives, Vol. 88, page 386.

As to the occasion for which Lechford's copy was made, nothing certain is known. We may say however that it would be strange if no duplicate had been made, especially when there was in Boston such an admirable scrivener, already employed in similar work, and starving for lack of it. I agree with those who think that the following entry in Lechford's Note Book (printed p. 256) refers to this copy. It seems to bear date in June, 1640.

"The Court booke at 16 *d* a sheete, 102 sheetes for Mr Endecott, cometh to £6. 16s." Following this is an entry in short-hand, which as read by Mr. Upham, is as follows: "Money received upon my book as appeareth 38£, 8s, 5*d*, or thereabouts, beside the debts owing were 8£, 18s 10*d*. Cast 2, (5). 1640."

It is simply incredible that Lechford should have made a second copy of this large manuscript without an order, or that he should have omitted to record it in his Note-Book. Circumstantial evidence is also very strong to prove the identity of the Endecott copy with this Barlow one. The 102 "sheets" doubtless mean leaves, or 204 pages. In the Barlow copy page 204, the upper half, ends with the record of a Quarter Court, 2*d* day, 4*th* mo., 1640. This is the month when Lechford enters his charge against Endecott. Then there is a break in the transcribing for several months, as will be shown. Lechford resumes his work with a new ink, finishes the last three lines of that Quarter Court record, and adds the Assistants' Court of 31*st*, 5*th* mo. 1640, on p. 204. Then, pp. 205-214 are covered by him, the last entry being the Court of 28*th*, 11*th* mo. 1640, or February, 1641, modern style. He adds pp. 215-221, with miscellaneous papers.

Mr. Upham points out that not only was the ink changed, but a noticeable change in penmanship occurs, on p. 204. Up to that point Lechford made his letters "f" and long "s" with a straight line to the bottom. He uses the same forms in his Note-Book; but in this latter book between the 12*th* and 14*th* March, 1640-41,

Although it has all the marks of an order duly passed by both branches of the Legislature, it will not be found in the printed journals.

The date must be 1652, since that is the only year giving us the necessary coincidence of Bellingham and Glover as magistrates. Glover served only in 1652 and 1653, but in the latter year Bellingham was deputy-Governor, and ever afterwards till 1664, except in 1654 when he was governor. I feel sure that with the care taken in bestowing honorary titles at that date, Bellingham would not have been termed simply a magistrate when he was deputy-governor.

This order probably was acted upon, and the report, as amended by the Deputies, was, I presume, presented to the Court in 1653, which "took care of the transcribing" by passing the order of Sept. 10, 1653, printed by me, *post*, p. 116.

The phrase which occurs in this order of 1652, "records that are not extracted, abbreviated or composed into the books of the printed laws." may perhaps be cited as an additional proof that at that date there were two printed books of the laws, viz. the Code of 1649 and the supplement of 1650, as discussed by me, *post*, p. 80. — W. H. W.

he adopted the style of a round looped bottom to these two letters, and so continues to the end. Hence the last ten pages written by Lechford were written between March and August, 1641, and presumably very soon after the date of the session of the last Court (Feb., 1641), entered by him. This would entirely agree with the theory that this copy is Endicott's, completed first to June, 1640, and then added to in March or April, 1641, prior to Lechford's departure.

After Lechford had finished, the work was continued by two or three other writers. It is useless to go into the details here, but the copy of the official record is made with similar accuracy through p. 313, being the Court of Elections, 14th, 3d mo., 1645. This copy also contains the records of the Court of Assistants from Oct. 28th, 1641 to March 5, 1643-4, *which are wanting in the official journals* preserved at the State House and printed by Shurtleff.

Little is known as to the subsequent ownership of this manuscript after Gov. Endicott received it. The following memorandum was written by Gov. Thomas Hutchinson on a fly-leaf of the book: —

“This book belonged to Edward Hutchinson of Boston who being employed by the Government to enter upon a Treaty with a Tribe of Indians in 1675 was treacherously waylaid and mortally wounded by them and died and lies buried in the town of Marlborough, the first English settlement to which he could be carried. In the year 1769 an old man of the name of Rice died in *Marlborough* (Worcester), who was present and perfectly remembered having seen Mr. Hutchinson brought into Marlboro'. Rice died at the age of 102. Edward Hutchinson received the freedom of the Colony in 1634, Sept 3^d (see p. 81), and Mr William Hutchinson, his father, received his the 4th of March following. p. 82.”

We know of nothing to explain the ownership by Capt. Edward Hutchinson, whose only civil office was that of representative in 1658, from Boston, and who was not connected with Endicott by blood or marriage. We do know that Edward's son, Elisha Hutchinson, was greatly interested in the records, and in 1680 was on the committee for reprinting the laws. His priceless collation of the Code of 1672, with its Supplements, and his manuscript copy of the Body of Liberties, are now in the Boston Athenæum.

There is a remarkable coincidence between the time covered by the Barlow manuscript and the third volume of Records printed by Shurtleff. That volume, as already stated, contains only the

proceedings of the Deputies, from 14th, 3d mo. 1645 through May 6, 1657. It seems to stand alone, without a predecessor or successor, for though Shurtleff writes (preface, p. vi) "it is evident that the popular branch of the Colonial Legislature continued a record of its proceedings until the time the Colony Charter was vacated," (*i. e.* 1686), he adds "no copy of these valuable volumes can be found in the archives of the Commonwealth extending beyond the period embraced in these pages, nor are any positively known to exist any where else." I am unaware of the grounds of Shurtleff's belief that other volumes once existed, but Mr. Goodell is confident that he has met with references thereto. The accounts of the fire at the State House, in 1747, declare that many unspecified records were then destroyed.

I am unable thus far to find any order for the preparation of this third volume. In March, 1643-4, the famous vote was passed by which the separate sessions of the two branches was ordered; but this volume does not begin at that date.

The regular pagination of this Volume III. begins with the session of May 14, 1645. On p. 21 (Records, iii. p. 28), it is entered under date of June 18, 1645, that "Edward Rawson is chosen and appointed clerk to the House of Deputies for one whole year, to enter all votes passed in both houses, and those also passed only by them, into their book of records." Again, November 4, 1646 (Records, iii. p. 83), "it is ordered that Edward Rawson shall have twenty marks allowed him for his pains, out of the next levy, as Secretary to the House of Deputies for two years past." This last entry is probably intended to go back only to May, 1645, because the earlier manuscript, for part of 1644, is not in Rawson's writing but in that of Capt. Robert Bridges of Lynn, one of the deputies. In fact, November 7, 1646 (Records, iii. 78), at the beginning, it is stated that Capt. Robert Keayne was chosen "Speaker for the first day of sitting, and Capt. Robert Bridges was chosen secretary for the first day of sitting"; and then Bridges was chosen Speaker for the whole session.

A careful examination of the volume shows that it was bound in June, 1781, according to a memorandum at the end; that Rawson's part begins with the Court of May, 1645: and that the few pages dated in 1644, written by Bridges, were no part of the original record. Of course the record of the first year may have been lost, since it is most reasonable to presume that a deliberative body would keep an exact journal from its organization.

If however the Deputies had acquired the Endicott manu-

script, they would have had in the custody of their Clerk, a transcript of all the records as complete as that in charge of the Secretary for the Magistrates.

That there was at first some lack of formality in keeping the House Journals, may be inferred from the order of October 18, 1648 (*post*, p. 78), which provides that "as there is a Secretary amongst the Magistrates" "so there shall be a Clerk amongst the Deputies to be chosen by them from time to time." The duties of the Clerk were very fully set forth in the act, and it must be presumed that Rawson attended to the chief part of his duties, namely the special record of the proceedings of the Deputies, although he was evidently remiss in the preparation of the "Deputies' book of copies of record."

Shurtleff notes (*Rec.* iii. 105) that William Torrey, who was a Deputy in 1648 and 1649, wrote pp. 107-110, of the proceedings of 26 May, 1647, and that up to p. 253, when Torrey was chosen Clerk (May 22, 1650), he supplied many pages of the record which Rawson was presumed to prepare as Clerk. Very probably as Rawson was at this latter date promoted to the office of Secretary in place of Increase Nowell, the pressure of his new duties will account for the irregularities in the Deputies' books and papers. It is worth noticing that William Torrey was Clerk to the last; and in 1650 (*Records*, iv. part 1, p. 33), Oct. 13, 1650, Torrey was granted State Island "in consideration of his entering the orders of Court for two or three Courts, not yet entered in the Deputies book, so as he do it in one year next coming, and perfect the book as far as he can." But Nov. 12, 1659 (*Records*, iv. part 1, p. 407), the island was confirmed to him on the conditions of the old grant, "he having now perfected the Deputies book of copies of records."

The reader can draw his own inferences from the following vote of May 15, 1672 (*Records*, iv. part 2, p. 509):—

"This Court doth order, that all records of this Court and of the Council, from the first beginning thereof, be fairly transcribed in a legible hand, so as there may be a fair copy thereof besides the original, that in case of fire or other accident the country may not suffer so great a damage as the loss of their records would be; and the Treasurer [Russell] and Secretary [Rawson] are ordered to procure the same to be done timely and on as reasonable terms as they can; and the comparers (who shall be appointed by this Court) shall, upon their oaths, declare the copy transcribed to be a true copy."

Gov. Hutchinson claims that the Barlow manuscript belonged to his great-grandfather Edward Hutchinson who was killed in

1675. If so, it probably descended to Elisha Hutchinson and thence to his grandson, Thomas. It is supposed that Col. Aspinwall bought this manuscript in England.

This priceless manuscript has been carefully examined by William P. Upham, Esq., who reports that in many places it completes the deficiencies of the printed text, and that a critical collation of the two is very desirable. It supplies also ten pages to Vol. I. and two pages to Vol. II., as Shurtleff notes *in his second edition*. (See *post*, p. xiv.) It also adds the records of the Court of Assistants for some three years, new and valuable information nowhere else extant.*

In the reprint of the Laws of 1660, I reproduced the pages from Shurtleff's second edition which showed the additions from the Barlow manuscript to p. 346 of Volume I., and pp. xiv, xv and xvi, of Volume II.; the earlier part covering ten pages relating to proceedings in England did not seem of sufficient importance to be reprinted herein. See *post*, pp. xix-xxiv. I now add to this edition the pages which contain the records of the Court of Assistants, so fortunately recovered, *post*, pp. xxv-xlili.

For a full understanding of the subject, I also reproduce a portion of my former Preface, explaining the state of the printed editions issued by the Commonwealth under Dr. Shurtleff's supervision.

In 1853 (Resolves, chap. 63) the Governor was directed to have printed one hundred copies of the first two volumes of the General Court's Records. By chap. 5 of Resolves of 1854, eleven hundred more copies were ordered, and twelve hundred copies of Volumes III., IV., and V. The work was done under the supervision of the late Dr. N. B. Shurtleff, the first two volumes bearing the imprint 1853, and the others that of 1854.

In 1855 (Resolves, chap. 19) the Governor was directed to have printed five hundred additional copies of the first volumes of said Records.

In 1856 (Resolves, chap. 9) the Secretary was empowered to allow the State printer to publish an edition for public sale, as a private enterprise, the permission being for three years from June 4th. (Resolves, chap. 87, 1856.)

* The careful Catalogue of the Records of the Supreme Court, prepared by the Clerk and issued in August, 1890, shows that he has the custody of the "Second Book of Records of the Court of Assistants, begun March 3, 1673," continued through April, 1686, suspended till Dec. 24, 1689, and then continued into 1692. The first book seems to be utterly lost. — W. H. W.

In the "Boston Daily Advertiser" for March 6, 1865, Dr. Shurtleff published a letter in regard to certain changes made by him in the stereotype plates after the first edition was issued. The following extracts cover the main point: —

"Soon after the issue of the edition ordered by the Legislature in 1853, my excellent friend, Col. Thomas Aspinwall, came back to his American home, bringing, with his historical treasures collected during a long residence in London, a manuscript copy of the first volume of the old records, and of a portion of the second volume, extending, I think, to the year 1646. This manuscript contained a large portion of the lost records, namely, a portion of the proceedings of the 23d of March, 1628-9, the proceedings of the 30th March, 2d, 6th, 8th, 13th, 16th, 27th, and 30th of April, 1629, and also portions of the proceedings of the 10th of December, 1641 (being part of Volume I.), and the commencement of the record of the General Court of Elections, commencing on the 13th of May, 1642, being the beginning of Volume II."

"Fortunately the succeeding Legislature passed an order for the issue of another edition of Volumes I. and II.; and, consequently, an opportunity was afforded for completing the printed volumes of records from the material furnished so opportunely by Colonel Aspinwall's copy. *The stereotype plates were revised, and the lost parts of the original records were artistically supplied,* so that the second impression from the stereotype plates contains all that exists of the old colonial records of Massachusetts."

It appears that the changes made in the stereotype plates after the first edition was printed were as follows: In Volume I. ten pages were inserted, marked 37 *a* to 37 *j*, inclusive, and on p. 346 enough was added to complete that page. In Volume II. (which begins, in the first edition, with p. 3), two whole pages were inserted, numbered 1 and 2, and the first half of page 3. The former page 3 was cancelled, the two bottom lines (concerning one Gregory Taylor) being carried over to page 4, and the spaces on page 4 being readjusted, so that page 4 ends alike in both editions.

I believe that I am correct in saying that no change was made in the title-pages to this second edition of Volumes I. and II., that no notice was given of the corrections and additions (except a short note on p. 344 of Volume I.), and that no alterations were made in the Index of either volume.

As to the additions made in the first volume, their value is merely antiquarian. But the pages added in the second volume contain the organization of the government for 1642, an order about votes in the General Court, and a law respecting constables,

(which is in the Code of 1660, the first clause of section 2, and not cited in the margin as passed in 1642, the whole section being referred to Anno 1646). There are also two laws, one relating to the pay of the Elders when employed by the General Court, and the other empowering any Court having two magistrates to admit church members to be freemen: both laws copied into the Code of 1660.

For these two laws I spent many hours in fruitless search, till I learned the fact of there being two editions. In the lack of any definite information of the number of copies printed by the State printer under his license, I conclude that fully two-thirds of the copies of the first two volumes of the Records now in circulation and use are defective. The stereotype plates of these books were destroyed in the great fire in Boston in 1872, and I have therefore reproduced the four pages, one (p. 346) of Volume I., and three pages of Volume II., in order that any one who wishes to verify my citations, and who is unfortunately the owner of the first edition only, may have the full copy before him.

It is useless to criticise Dr. Shurtleff's peculiar method of altering the plates of such an important book. Any one taking up a copy of State Records issued by authority of the Legislature naturally relies upon its entire accuracy. I am sorry to say that this reliance is misplaced in many small matters of textual correctness, as I have discovered; but the fact that three or four pages of proceedings are to be found in one edition, and not in another, is one which calls for the greatest publicity. I fear that many of the highly valued copies of the first edition were placed in public libraries, and are the only ones accessible to many students.

The legislation of the Andros or Inter-Charter period remains still in manuscript, and deserves to be printed as the only missing link in the chain of entire continuity from A.D. 1629 to the present time.

As this Preface and Introduction is intended to serve hereafter for any reprint of either the edition of 1660 or that of 1672, I would note that the bibliographical information in regard to the edition of 1672 is contained in the special Introduction to that volume. The reprint of the edition of 1660 consists of two impressions, each of some 400 copies. The copy used for the text was that preserved in the State Library, and the supplements were copied from the beautiful volume formerly owned by Secretary Edward Rawson, now in the library of the American Antiquarian

Society at Worcester. Later on, my attention was called to a copy formerly owned by Judge Story, now in the Law Library of Harvard University. Although it lacked some of the Supplements, it contained those for 1668 and 1669 complete. I was thus enabled in the second impression to add nine pages, besides perfecting two others, and it is hoped that the Supplements are now complete. Extra copies of these added pages were furnished to those having the first impression only.

I have devoted much time to the Body of Liberties, as it has hitherto not received the recognition to which its importance entitles it. This Code was first rediscovered by the late Francis Calley Gray, and printed by him in 1843. But being published only in a volume of the Collections of the Massachusetts Historical Society, a knowledge of it has been confined to very few persons. I have merely followed out Mr. Gray's line of unanswerable arguments proving the certainty of the identification of his copy of this Code, but I have added a Table of Contents, Index, and Notes, which may assist the student in using it.

The reprints have been made by the Photo-electrotype process, which has proved to be peculiarly adapted to such work. The Indexes to both volumes were prepared by Frederick E. Goodrich, Esq.

It is reasonable to think that the ground covered by these two volumes is now completely covered, even should some fortunate chance restore to us a copy of the edition of 1649. But there is room, and almost a necessity, for some qualified person to work up this material into a concise and well-digested history of the jurisprudence of Massachusetts. A thorough consideration of the Body of Liberties will prove that our ancestors were far more enlightened than their English contemporaries, and that the influence which they sent forth has continued to affect most powerfully our laws, customs, and thoughts to the present time.

Especially to be forever remembered, for their pious care and intuitive perception of the value of these records, are Edward Rawson, Elisba Hutchinson, and Francis Calley Gray.

The Introduction is a recasting and amplification of that prefixed to the reprint of the Laws of 1660. Considerable new and important matter has been incorporated therein, and I trust that the whole is now placed in a more symmetrical and convincing

form. The first edition of any essay upon a new topic must be imperfect, and publicity must tend to correction and improvement. I venture to hope that the public interest in these matters created by the publication of these two reprints, bore fruit in the munificent appropriation by which the Trustees of our Public Library were enabled to purchase the Barlow manuscript together with so many other literary treasures.

WILLIAM H. WHITMORE.

CITY HALL, BOSTON, Sept. 26th, 1890.

ADDITIONS MADE IN THE SECOND PRINTED
EDITION OF THE RECORDS OF
MASSACHUSETTS,

AND NOT TO BE FOUND IN THE FIRST EDITIONS.

[P. XXI. IS P. 346 OF VOLUME I.]

[PP. XXII.-XXIV. ARE THE BEGINNING OF VOLUME II.]

M^{rs} Marg^t Winthrop hath her 3000 acres of land formerly granted her, to bee assigned about the lower end of Concord Ryver, near Merrimack, to bee layde out by M^r Flint & Leiff^t Willard, wth M^r Oliver, or some other skilfull in measuring, so as it may not hinder a plantation; & any pt thereof they may purchase of any Indians that have right to it./

1641.

10 December.
M^{rs} Winthrops
3000 ac's.

Upon the petition of M^r Willi: Tyng, it was ordered, that M^r Bartholomew, George Giddings, & John Whipple should set a dewe valuation upon the house & ground wth Willi: Whitred did effeote to M^r Tyng aforementioned./

It was ordered, that Sara, the late wife of James Hubberd, should have forty pound of the estate of her said late husband, & the use of the childrens stock till they come to the ages mentioned in the will, & then the eldest some./

At this Court, the bodye of laues formerly sent forth amonge the freemen, £2, was voted to stand in force, £2./

[The last paragraph is in the handwriting of Governor Winthrop. The following is restored from an early copy of the records in the possession of Thomas Aspinwall, Esq.]

M^r Atherton Hoffe is graunted foure hundred acres of land in regard of fiftie pounds disbursed in the ioint stocke.

M^r Hoffes
400 acres.

M^r Davies was denied libertie to sell drinke, or ale, or to keepe a cookes shopp, because there are others sufficient in the towne of Boston, and his carriage hath bin formerlie offensiuē.

M^r Davies.

M^{rs} Dunster is graunted hir farme with the bondaries from Sudburie bounds, a straitē line running south easterlie and north westerlie to the great ponnnd over against that place, where the river issueth out of itt on the other side, the line cutting y^e said pond over unto the said issue, then following the streames vnto the place where Sudburie cutteth againe the river, & soe along by the river within Sudburie line, as itt is agreed betweene the towne of Sudburie and hir: the line lying in forme is described in the plott subscribed by M^r Tho^m Flintt & Tho^m Mayhewe.

M^r Dunster
farme.

M^r Samuell Mavericke is remitted 40^{li} of his fine of 100^{li}, formerlie sett vpon him, if hee pay y^e remaining 60^{li} in due valuation.

M^r Sam: Mav-
ericke fine re-
mitt.

M^r Mayhewe his accounts were referred to the Treasuro^r & M^r Duncum; & for the bridge by the mill over the Charles River, the Co^rt doth conceiue itt to belong to the towne or townes in w^{ch} itt lyeth.

Thomas Bartlett is appointed leivetenant & Hugh Mason ensigne to Captaine Jeanison, Waterton.

Military
officers.

MASSACHUSETTS RECORDS.

THE RECORDS OF THE COLONY OF THE MASSACHUSETTS BAY IN NEW ENGLAND.

[The manuscript of the second volume of the Massachusetts Colony Records commences on the third page, at the place indicated by an asterisk. The first portion of the volume is lost, and the first eighteen pages of what remains are in a very decayed condition. By the aid of ancient transcripts of the volume, made apparently very early, and by a duplicate leaf in the handwriting of the Secretary who wrote the volume, the decayed portions have been restored. The volume is mainly in the chirography of Secretary Nowell, although occasionally passages, and sometimes pages, are in that of Mr. Edward Rawson, who succeeded Mr. Nowell as Secretary in 1650.]

1642. [*The Generall Court of Elections, the 18th Day of y^e 3^d Month, 1642.*

18 May.

PRESENT,	The Govern ^r ,	M ^r Bradstreet,
	The Dep ^{tie} Govern ^r ,	M ^r Staughton,
	M ^r Dudley,	M ^r Flintt,
	M ^r Bellingham,	M ^r Increase Nowell.
	M ^r Saltonstall,	

Deputies p^{re}sent :

W ^m Hilton,	Robert Bridges,	Elea: Lusher,
W ^m Walderne,	M ^r W ^m Ting,	W ^m Heath,
W ^m Hayward,	Cap ^t Edw: Gibbons,	W ^m Parkes,
John Saunders,	Ralph Sprague,	M ^r John Glover,
Edward Rawson.	Thomas Line,	M ^r Nat: Duncum,
Matthew Boyse,	Cap ^t Geo: Cooke,	Alex: Winchester,
Maximi: Jewett,	M ^r Nat: Sparhawke,	W ^m Cheesborough,
M ^r Sam: Simonds,	Cap ^t W ^m Jeanison.	James Parker,
John Whipple,	M ^r Simon Eyres,	Edw: Bates,
M ^r Ema: Downing,	Symon Willard.	Jos: Pecke,
Edm: Batter,	Peter Noyse,	Edm: Hubberd.
Edw: Hollioke,	Edw: Allen,	

Govern^r

JOHAN WINTHROPP, Esq^r, was chosen Govern^r for this yeare and till new bee chosen, and tooke his oath.

Dep. G.

John Endicott, Esq^r, was chosen Dep^{tie} Govern^r, & tooke his oath.

Assistants.

Thom: Dudley, Esq^r, was chosen an Assistant, & tooke his oathe.

Rich: Bellingham, Esq^r, was chosen an Assistant, & tooke his oath.

THE RECORDS OF THE COLONY OF

Rich: Saltonstall, Esq ^r , was chosen an Assistant, & tooke his oath.	1642.
M ^r Symon Bradstreet was chosen an Assistant, & tooke his oath.	
M ^r Increase Nowell was chosen an Assistant, & tooke his oath.	18 May.
M ^r Israell Staughton was chosen an Assistant, & tooke his oath.	
M ^r John Winthrop was chosen an Assistant.	
M ^r W ^m Pinchen was chosen an Assistant, and tooke his oath.	
M ^r Thomas Flintt was chosen an Assistant, and tooke his oath.	
M ^r Tyng was chosen Treasurer.	Treasurer.
It was ordered that a warrant should bee sentt to Salem for a new election of a new deputie to be ioined with M ^r Downing, because the Court is doubtfull of y ^e choyse, & M ^r Edmund Batter was sent.	Deputye.
M ^r Staughton & M ^r Ting, Treasuro ^r , were appointed a comittce to advise Goodman Johnson aboutt y ^e amūnition.	
An order was made for the pssing 4 horses, to goe w th M ^r Collecott and his companie (if they cannot hire w th out pssing) to helpe them to carrie necessaries to run the south line.	Pressinge of horses.
Cape Anne is to bee called Gloscester; John Sadler is chosen constable thereof, and tooke his oath.	Gloster.
John Sadler had comission to traine the men att Gloscester.	
Obadiah Brewen is appointed Surveyer of y ^e Armes att Gloscester.	
George Norten is appointed to keepe an ordinarie att Gloscester.	
Richard Gibson was comitted to the marshall for his seditious practises, & vpon his submission & acknowledgement of his fault vnder his hand hce was dismissed with an admonition.	Gibson.
Watertowne delivering in a transcript of thier lands, nott being perfect was lent them backe againe.	Waterton.
Leivetenant Symon Willard & Edward Converse are appointed to view Shawshins, & to certifie whether the land that is free bee fitt for a village or nott.	Shawsin.
Goodman John Johnson had order to lend six carabines to M ^r Collecott & his companie w ^{ch} are to run the south line.	South line.
Itt was ordered, that the Treasuro ^r should defray the charges of the elders, when they are employed vpon anie speciall order from the General Co ^r t.	487- Charges.
The lawes were read over the 20 th of the 3 ^d month.	20 May.
John Pemberton was bound in 20 ^{li} to appeare att the nextt Court att Ipswich.	Lawes. Pembleton.
The order for hempe & flax seed to passe att twelve shillings the bushell is repealed.	488- Flaxseed, 12 ^o bush. Repeale.
The orders for restraint of wheat are repealed.	489-
There is power given to everie Co ^r t w ^{thin} o ^r jurisdiction y ^t hath two	Freemen, admission.

1642. magistrates to admitt anie church members that are fitt to bee free, & to give them the freemens oath, & to certifie thier names to the Secretarie att the next Generall Courtt.

20 May.

490- The order formerlie made for writinge things before they bee voted, is declared nott to concerne matter of forme, butt to bee meant of things that are to bee matters of record.

Votes in Courts.
Repeale.

White.

Phillip White, for drunkenesse, was fined 10^s, & for misdeameno^r, w^{ch} 10^s Richard Wayte vnderooke for White.

Posture of Warre.

The Deputy Governo^r, M^r Staughton, Cap^t Gibbons, Captaine Jeanison, Cap^t Cooke, M^r Rawson, Leiveten^t Willard, & M^r Parker, these or the greater number of them, are appointed to putt the countrey in a posture of warre.

491- Itt is ordered, y^t when anie person shall bee tendred to anie officer of this iurisdiction by anie constable or other officer belonging to anie forreigne iurisdiction in this countrey, or by warrant from anie such authoritie, hee or shee shall bee presentlie receiued and conveyed forthwith from constable to constable till the partie bee brought to the place to which hee or shee is sentt,

Officers duly to receiue forraigne prisoners.

Hue & cry.

or before some magistrate of this iurisdiction, who shall soe dispose of the partie as occasion & the justice of the cause shall require, & thatt all hew and cryes shall bee dilligentlie receiued & pursued to full effect.]

[*1.]

492- Whereas the country is put to great charge by the Courts attendance vpon suites comēced or renewed by either appeales, petition, &c, it is ordered, that in all such cases, if it shall appeare to the Co^rt that the plain^t in any such action of appeale, petition, &c, in any Co^rt, hath no iust cause of any such proceeding, they shall take order that the said plain^tiff shall beare all the charges of the Co^rt w^{ch} they shall iudge to have been expended by his occation, & may further impose a fine vpon him if the merrit of the cause shall so require; & if they shall finde the defendant in fault, they shall impose the charges vpon such defendant./

Ord^r about hue enery^s

William Aspinwall, upon his petition & cirtifficat of his good carriage, is restored againe to his former liberty & freedomc./

The Court left it to the liberty of the townes to send but a deputy a peece, if they please, to the next session of this Court./

The marshall hath leave to go to Coⁿnecticut, leauing a deputy./

The beaver trad^rs are appointed to bring in what is due to the countrey at the next session./

Edward Bendall hath liberty to make vse of any of the cables, & other things belonging to the worke, as he needeth, allowing for the hurt of them./

Gregory Taylo^r, being chosen constable of Water Towne, tooke his oath to discharge that place./

RECORDS
OF THE
COURT OF ASSISTANTS
OF THE
COLONY OF THE MASSACHUSETTS BAY
IN
NEW ENGLAND.

From October 28, 1641, through March 5, 1643-4.

NOW FIRST PUBLISHED FROM A CONTEMPORANEOUS COPY RECENTLY
OWNED BY SAMUEL L. M. BARLOW, ESQ., AND NOW IN THE POS-
SESSION OF THE BOSTON PUBLIC LIBRARY.

RECORDS OF THE COURT OF ASSISTANTS

FROM OCTOBER, 1641, TO MARCH 5, 1643-4.

NOW FIRST PUBLISHED FROM THE MANUSCRIPT COPY, RECENTLY OWNED BY S. L. M. BARLOW, ESQ., AND NOW PRESERVED IN THE BOSTON PUBLIC LIBRARY.

[NOTE.— It is well-known that the first volume of the Massachusetts Colony Records contains not only the proceedings of the General Courts, but also these of the Magistrates or Assistants sitting in special courts. These records are recorded in regular order as they were held, the Quarter Court of September 7, 1641, being on pp. 334-336, and the General Court of October 7, 1641, covering pp. 336-343, and (as continued December 10, 1641), pp. 343-346. In the second and subsequent volumes, only the proceedings of the General Courts are recorded. As already noted, the Clerk of the Supreme Court finds his earliest volume is marked "Court of Assistants, second booke of Records, beganne the 3rd of March, 1673." This *hiatus*, from 1641 to 1673, has long been deplored; and it is with great pleasure that I am now enabled, by the kindness of the Trustees of the Boston Public Library, to supply a part of the missing records. In the so-called Barlow copy of the early part of our Colonial records, at the latter part of the volume, a contemporary copy was made of the proceedings of the Assistants, from October 28th, 1641, through March 5th, 1643-4.

The portion here printed begins on p. 277, 15th line.

The last preceding order "The comission above, wth the alterations was confirmed the 5th m^o, 1645" etc., is numbered in margin 2839. (See Records of Mass., Vol. II., p. 65.) This copy was made by William P. Upham, Esq.

W. H. W.]

[277] At a Co^t the 28th 8th Moth 1641.

Present The Govern^r M^r Winthrop.

M^r Dudley. Increase Nowell.

2840. James Luxford was Ordered to bee delivered to his three Credito^{rs}. Luxford.
2841. M^r Symon Voysey for striking M^r Constable was comitted, & fined Voysey fined. to give M^r Constable, 10^{lb}
2842. M^r Henry Waltham, & James Brittain, were bound for Gawen Waltham. Brit-
Wilson his appearance at y^e next Co^t. taine bound for
Wilson.
2843. John Knight is comitted vntill hee find sureties. Knight comit-
ted.

At a Quarter Co^t at Boston the 7th of the 10th Mth 1641.

2844. Jacob Eliot deposed to the will, & Inventory of John Tee. Elliot. Tee.
2845. John Smith is graunted five shillings against William Prichard. Smith. Prich-
ard.
2846. John Richardson appearing & testimony given of his good ear- Richardson
riage, hee, & his sureties were discharged. discharged.

Wilson, & sureties discharged.	Gawen Wilson appearing, hee, & his sureties were discharged.	2847.
Vocas fined or whipt.	John Vocar was censured to pay ten shillings, or bee whipped, the 1 st Mo th .	2848.
Capt. Williams, Richardson.	Capt. Williams was p ^r ssed, & promised to endeavor, & doe what in him lay to bring backe John Richardson.	2849.
Richards fined.	Walthian Richards was vpon his p ^r sentment fined 5 ^{lb} , & enjoyned to pay the witnesses, which were Edward Bennet, & his wife; Richard Silvester, & his wife; Arthur Warren, Thomas Rawlings, Thomas Penny, M ^r Waltham, & Mary Smith, after 2 ^s p day, & to make a Publique.	2850.
Finch his wife ill.	Samuel Finch his wife was certified to bee ill.	2851.
Braintree.	The Inhabitants of Braintree, for the bridge over Minotocot River are respited till the Generall Court.	2852.
Hingham.	Hingham hath time till the first of the 3 ^d Mo th to finish the bridge over Layfords-liking, which they are to doe by that time vpon paine of 5 ^{lb} .	2853.
Barnes.	Thomas Barnes about lace, was admonished, & discharged.	2854.
Jobson.	John Jobson for vnadvised exp ^r ssions, was admonished, & discharged.	2855.
Hands discharged.	Marke Hands for want of prooffe was discharged.	2856.
Dorchester fined.	Dorchester for defective wayes was fined 5 ^s , & had time [interlined] till the 2 ^d Mo th .	2857.
Marklin recompence Pen.	It was referred to indifferent men to judge, what recompence Marklin Knight should returne to James Pen.	2858.
Davies fined, bound.	William Davies for keeping an house of disorder, by givinge entertainment against Order, was fined 20 ^s , & bound in 10 th not to sell ale, strong beare, wine, or strong-water.	2859.
Chidley.	M ^r Chidley was gone out of the Countrey before Co ^t .	2860.
Hawkins fined.	Thomas Hawkins for making bread to light was fined 5 ^s and enjoyned to give one witnesse, Edward Bates, 2 ^s 6 ^d .	2861.
Boston fined.	Boston for defective <i>was</i> towards Roxbury is fined 10 ^s , & enjoyned to mend them, by the 24 th of the 2 ^d Mo th , vpon paine of five pounds.	2862.
Cambridge fined.	Cambridge for a defective way to Charlestowne is fined 5 ^s .	2862.
Fuller.	Fuller was respited till the next Quarter Co ^t .	2863.
Knight. Carters wife.	John Knights Cause to be tryed by Action. Carters wife was admonished, & discharged.	2864.

[278] At a Co^t at Boston the 27th 11th Moth 1641.

Present The Governo^r M^r Wiinthrop.

M^r Dudley. Increase Nowell.

Knowers estate.	The administration of the estate of Thomas Knower is graunted to James Browne & William Stitson Gosse, & his wife, to bee brought to the next Co ^t , to answer things objected against them.	2866.
Wilsmore.	Elizabeth Wilsmore had warrant to the Constable of Watertowne to provide hir a place in service, or otherwise.	2867.
Williams. Read.	David W ^{ms} hath put himselfe to John Read for 4 yeares, from the 12 th of this p ^r sent Mo th .	2868.
Fox. Everell.	John Fox hath put himselfe App ^r tise to James Evrell, for 6 yeares, from this p ^r sent day.	2869.

At a Quarter Co't at Boston y^e 1st of the 1st Moth 1641.

Present. M^r Governo^r M^r Winthrop.

M^r Dudley. Increase Nowell. M^r Bradstreet.

2870. M^r Timothy Tomlins, & Thomas Elington were graunted administration of the estate of M^r Ballard, & they are to dispose of the Children, & their estates. Mr. Ballards estate.
2871. George Story vpon his miscarriage was comitted, & after vpon his submission, & aeknowledgement of his fault. hee was discharged. Story comitted. &c.
2872. Charlestowne delivered in a transcript of their Lands. Sudbury dd in a transcript of their Lands. Dedham delivered in a transcript of their Lands. Charlestowne. Sudbury. Dedham Lands.
2873. Malachy Browne had six shillings 8. pence Costs graunted against Francis Perry, for warning him to appeare, & not prosecuting him. Browne. Perry.
2873. M^r Nicholas Trerice | his fine | [*interlined*] of forty shillings is remitted him. Mr. Trerice fine rem.
2874. Peter Thatcher for plotting Piracy was comitted, & to bee whipt; Matthew Collaine, Robert Allen, & Marmaduke Barton, were whipped for concealing the plot of Piracy. Thatcher, Col-laine, Allen, Barton, whipt.
2875. Samuel Sherman is remitted his fine of 20^s. Shermans fine remit.
2876. Henry Singleman is bound in 20^{lb} to bee of good behavio^r & to appeare at the Quarter Co't in the 7th Moth 1642. & Samuel Fuell is bound in 10^{lb} for the good behavio^r & appearance of Singleman. Singleman, Fuell, bound.
2877. James Hawkins for prophaining the Sabbath hee was censured to bee whipt, & bound with his Brother Thomas Hawkins in 40^{lb} to appeare at the Generall Co't, & answer for venting his corrupt Opinions, & to bee of good behavio^r till then. Hawkins whipt.
2878. Elizabeth Sedgwieke for hir many theftes, & lyes was censured to bee severely whipt, & condemned to slavery, till shee have recompenced double for all hir thefts. Sedgwieke for theft, whipt. &c.
2879. Pesons, or George the Indian, was banished not to come among the English after a weeke. Pesons banished.
2880. Mincarry, the blackmore was admonished, & dismissed. Mincarry admonish. &c.
2881. John Smith was admonished & dismissed. Smith admonish.
2882. Susan Cole was enjoyned to make double restitution. Coles Restitution.

At a Co't at Boston 28th 2^d Moth 1642.

Present. The Governo^r M^r Winthrop.

M^r Dudley. M^r Staughten. Increase Nowell.

2883. Marmaduke Barton for his theft. & running away, was comitted to the keeper, as a slave, till the next Generall Co't. Barton comitted.
2884. Thomas Briant for concealing Thatchers Plott, & consenting to it, was censured to bee severely whipped. Briant whipt.
2885. Elisha Jackson was with his owne consent turned over for his time, from George Barrell, to John Millam. Jackson.

The 12th 3^d Moth 1642.

Present. The Governo^r.

M^r Winthrop. Increase Nowell.

2886. John Woodcooke for his many miscarriages was censured to bee whipped. Woodcooke whipt.

At a Co't at Boston 20th 12th Moth 1642.

Present. The Govern^r M^r Dudley.

M^r Bellingham. Increase Nowell.

Chadwicke
fine discharged.
Whitticy fined. Charles Chadwicke is discharged of his fine of 3^s 4^d & John Whit- 2887.
ney the Constable is fined 2^d for not warning him.

Story dia-
charged. George Story appearing is discharged of his Bond for appearance 2888.
to answer Capteine Keayne this Co't.

Charlestownes
Constables
allowed. It was ordered that the Constables of Charlestowne should bee 2889.
allowed 9th 12^s 8^d for the charge of

Mr. Ruck,
Stow. M^r Thomas Rucke, & John Stow appearing, were appointed to 2890.
appeare at the next Generall Co't, to give in their finall answer about
the 50th committed into their hands.

Davies.
Kempe. [279] It was Ordered James Davies should have 3th 12^s for 2891.
keeping of John Kempe for 12 weekes, at six shillings *p* weeke.

Hoare.
Read. Mary Hoare was Ordered to pay John Read 10^s for hir theft, & 2892.
trouble of him.

Chapman.
payd. It was Ordered that Jacob Chapman should bee allowed 15^s for 9 2893.
dayes travell, & 2^s 6^d layd out of purse.

M^r Strange
Hougha. Order was sent to the Constables of Hingham, that M^{rs} Strainge & 2894.
hir child should bee supplied according to their necessity that they may
bee comfortable maintained by the helpe of such worke, as shee is able
to doe, & hereof not to faile, as they will answer it.

Stiles allow-
ance. It is conceived John Stiles should be allowed nine pound per annum 2895.
for the time hee hath served, & twenty shillings, for being turned away in
winter, unprovided.

Marvin allow-
ance. It is conceived that Thomas Marvin should bee allowed nine pound 2896.
p annum for the time he served, & twenty shillings, for being turned
away in winter, unprovided, & 40^s for the 8 wolves killed.

The 16th of the 12th Moth 1642.

Present The Govern^r.

M^r Bellingham. Increase Nowell.

Owles
Willoughby
fined. Daniel Owles coming before vs, for drinking part of severall 2897.
pints of wine, with William Willoughby was fined ten shillings.

Willoughby
committed. William Willoughby for beeing distempered with wine, & mis- 2898.
pending his time, & neglecting both publique, & private Ordinances,
was committed to Prison to bee kept to worke there.

At a Quarter Co't at Boston 7th 1st Moth 1643.

present The Govern^r.

The Dep^{ty} Gov^r M^r Dudley.

M^r Bellingham. M^r Braistreet.

M^r Flint. Increase Nowell.

Briscoe fined. M^r Nathaniel Briscoe for certeine mutinous speeches, & writings 2899.
was fined 10th.

Pescot.
Winter dism. John Pescot was dismissed with an admonition. John Winter is 2900.
discharged wth an admonition.

Mr Colleet
payd. M^r Richard Colleet his bill of 21th 8^s 10^d was assigned to bee paid 2901.
him, & for himselfe for 18 days, 2th 11^s & for M^r Holeman, for 18 dayes,
2th 11^s.

2902. Mr Richard Browne being questioned for vnmeete & filthy dalliance, with Sarah now wife of Thomas Boyiston, for want of full evidence, they were dismissed with an admontion. Browne, Boyleston's wife dismissed.
2903. Willm Bull, & Blith now his wife, were fined 20^s for fornication comitted before marriage. Bulls. Bliths fornic. fined.
2904. John Stowers for reading to divers offensive passages (before compⁿ) out of a booke, against the Officers, & Church of Watertowne, & for making disturbance there, was fined forty shillings. Stowers fined.
2905. Sarah Bell for hir theft, stealing money from hir master, was censured to bee whipped, except shee behave hir selfe well, betwixt this, & the next Co't, & soe as the Co't see cause to remit it. Bells theft.
2906. John Cornish was comitted, & after was ordered to bee released vpon his owne bond, for his good behavio^r, & appearance, & the next Co't. Cornish comitted &c.
2907. Susan Hewet, & others which sold Sarah Pell goods were Ordered to take their goods backe, & repay the money to M^r Newgate. Hewet repay.
2908. T[eagu] Oerimi for a foule, & diuillish attempt to bngger a cow of M^r Makepeaces, was censured to bee carried to the place of execution, & there to stand with an halter about his necke, & to bee severely whipped. Oerimi punished.
2909. Robert Wyar, & John Garland being indited for ravishing two young girles, the fact confessed by the girles, & the girles both vpon search found to have bin deflonred, & filthy dalliance confessed by the boyes; the Jury found them, not guilty, wth referenee to the Capitall Law. The Co't judged the boyes to bee openly whipped at Boston, the next market day, & againe to bee whipped at Cambridge on the Lecture day, & each of them to pay 5^s a peece to their master in service. It was also judged that the two girls Sarah Wythes, & Ursula Odle boeing both guilty of that wickednes, shall bee severely whipped at Cambridge in the p'sence of the Secretary. Wyar, Garland whipt, & fined. Wythes. Odle whipt.
3000. The 15th 2^d Mth, M^r Francis Norton, & John Pentecus, beeing formerly chosen Constables of Charlestowne, by the Towne, did take their Oathes to discharge that Office. M^r Norton. Pentecus. Charlestowne constables.

At a Co't at Boston, the 27th 2^d Moth 1642.

Present.

The Governo^r M^r Deputie. M^r Dudley.

M^r Bellingham. M^r Flint. Increase Nowell.

3001. An Inventory of the estate of Edward Wood deceased, was delivered in, & an account how the Children are disposed of, which the Co't doth approve. Woods Inventory.
3002. Richard Taylo^r being enjoyned to appeare at the next Co't to answer for his rude & vnmeete speeches, hee was dismissed with an admonition. Taylor admonished & dismissed.
3003. Henry Neale appearing, his servant Henry Hobson was freed from him, and put [2S0] to another, & Henry Neale was enjoyned to pay all the witnesses, & deliver vp all bonds, & soe all things were ended betweene them. Hobson freed. Neale to pay witnesses.
3004. Henry Hobson is put to Goodman Thomas Meakins for the rest of his time, for 4^{lb} p annū and vpon his good behavio^r to have 2^s 8^d at the end of his time. Hobson to Meakins

- Stone, Armitage costs granted. John Stone, & Joseph Armitage, vpon a warrant from Joshua Hubbard had ten shillings cost granted them, against Joshua Hubbard for not prosecuting. 3005.
- Owles servant to French. Daniel Owles is put to Serjeant William French for a yeare, & 3006. then to bee brought againe to the Co't, to have further consideration had of the case, whether Serj' French had sufficient recompense for the losse of his servant, Edward Waldo, whom Owles concealed, plotting to run away, & conncelled thereto.
- Smith bound. Richard Smyth concealing his knowledge of Edward Waldo his intent of running away, is bound in ten pound to appear at the next Co't. 3007.
- Wyar to Bowtle. Robert Wyer is put to Leonard Bowtle, with his Masters consent for the rest of his time. 3008.
- Browne whipt. William Browne for running away, deriding an Ordinance of God, refusing to give account what hee had learned, & refusing to obey *hir* master, was censured to be severely whipped. 3009.
- Mindam discharged. Robert Mindam appearing having bin imprisoned vpon an attachment by M^r Campian, vpon pretence of a debt of 35^{lb} to M^r Terrice, he was discharged, because noe action is entered, nor none appeareth to prosecute. 3010.
- Quick whipt. The 16th 3^d Moth Richard Quick for beeing distempered by drinking wine, & for his idlenes, stubbornes, & dalliance, was censured to bee whipped. 3011.
- Roberts fined 12^s. Edward Roberts was appointed to pay 12^d for drinking to Richard Quick. 3012.
- Perry Whipt. John Perry for running away was censured to bee whipped 17th 3^d Moth. 3013.
- Harding Hollister, Weymouth Constables. John Harding, & John Hollister beeing chosen Constable of Weymouth, did take their oath to that place apperteining. 23. 3^d Moth. 3014.
- Baker Ordinary keep. M^r Baker of Ipswich is allowed to *allowed to* keepe an Ordinary instead of Goodm. Andrews. 3015.
- Goodnow Clarke of ye Band. Edward Goodnow beeing chosen Clarke of the Band did take his Oath 5th 4th Moth. 3016.
- M^r Tomlins Ensigne. M^r Edward Tomlins beeing chosen is allowed Ensigne at Linn. 3017.
- M^r Tory Ensigne. M^r William Tory is appointed Ensigne at Weymouth. 3018.
- Johnson. Edward Johnson is appointed to traine the Company at Wooborne. 3019.
- The 7th day of the 4th Moth 1642.
p^rsent
The Governo^r The Deputie. M^r Dudley. M^r Bellingham.
M^r Bradstreet. M^r Stoughton. M^r Flint. Increase Nowell.
- Dedham Lands. Dedham delivering in a transcript of their lands, the Co't gave M^r Allen leave to have the transcript backe againe. 3020.
- Forbearance. The other Townes, to wit Boston, Dorchester, Braintree, & Water-towne, had time granted them till the 4th Moth 1643. 3021.
- M^r Paine discharged. Costs granted. M^r Edward Paine vpon his appearance was discharged there beeing noe Action entered by Clement Campion, and M^r Paine was granted 6^s 6^d costs against Clement Campion. 3022.
- Wood fined. Edward Wood was fined 8^s for baking wheat meale contrary to order. 3023.

3024. Thomas Scot, & his wife for comitting fornication before marriage, were enjoyned to stand an hore vpon the 16th p^{sent}, in the market place, with each of them a paper with great letters, on their hatts. Scott, & his wives punishment for fornication.
3025. Thomas Morrice his will was delivered & vpon oath testified by Edward Woolastone, & William Hudson. Morrice will delivered, &c.
3026. Thomas Whittamore because of his sore leg was dismissed with an admonition. Whitmore dismissed.
3027. Concord delivered in a transcript of their Lands, but vnsusbribed, which not beeing according to Order, was delivered backe againe to them to perfect. Concord transcript imperfect.
3028. Anne Keayne for hir grosse failing in not testifying the truth, when shee was called vpon oath shee was comitted to the Keeper, & vpon hir petition, & confession of hir fault, she was released. Keayne Comitted, &c.
3029. Jonathan Bosworth for discountenancing a wittnesse, was comitted till hee find sureties; Samuel Ward, & Nicholas Jacobs were bound in 10^{lb} a peece for Jonathan Bosworth his good behavio^r, & appearance at the next Quarter Co^t, & Jonathan Bosworth himselve was bound in 20^{lb}. Bosworth bound, & to find suretyes.
3030. Eliz: Strainge vpon acknowledgment of hir sincere —, with an injnunction to acknowledge hir sin publiquely at Hingham, & that to bee certified by the Constable, shee was dismissed with an admonition. Eliz: Strainge dismiss.
3031. William Jones vpon his acknowledgment here, beeing enjoyned to acknowledge the like Publiquely at Hingham, with an admonition, & an injnunction to pay the witnesses 5^s a peece, he was dismissed. Jones dismissed.
3032. M^r Richards is abated twenty shillings of his fine. Richards fine abated.
3033. [281] John Long Gent. for his misdemeano^r, distemper in drinke, swearing & cursing was fined twenty pound, & to put in sureties before his departure. Mr. Long fined.
3034. Thomas Wilson his fine is respited till the end of the second Moneth 1643. and Anthony Staniard is bound in twenty pounds for the payment of Thomas Wilsons fine. Wilson's fine respited.
3035. Isaac Morrell was fined 5^s for his absence, which hee is to pay to the rest of the Jury. Morrell fined.
3036. Nicholas Powell is appointed Surveyo^r of the Armes for Dedham. Powell Surveyo^r of Armes.
3037. It was Ordered that M^r Stodder should have three pound of M^r John Long, for himselve, & ten shillings for the rest of his Company, for the trouble, & danger they susteined by M^r Long. M^r Longs damage.

At a Small Co^t at Boston, the 28th of the 5th Moth 1642.
p^{sent}

The Governo^r, M^r Dudley. Mr. Stoughton. Increase Nowell.

3038. Henry Smith not appearing (beeing warned by the Governo^r). Smith.
3039. Margeret Stephenson is judged at liberty to be married to Benjamin Scott. Stephenson liberty granted.
3040. The Constable of Roxbury was Ordered to take care of John Kempe, servant formerly to Isaac Morrell, both for his maintenance, & cure, till the next Quarter Co^t, and then further order should bee settled. Kempe cared for.
3041. The Co^t thought meet Dermond^t Matthew should bee set to worke by such, as have occasion to imploy him, vntill his M^r shall appeare, & take co^{se} about him. Matthew to worke.

Bradley Admin- Katherin Bradley is granted administration of hir husbands estate, 3042.
 istracion &c. who gave hir all his estate, only some cloathes, & tooles to his brother.

At a Quarter Co't the 6th of the 7th Moth 1642.

p^rsent.

The Governo^r The Deputie Gov^r M^r. Dudley. M^r. Bellingham.
 M^r Saltonstall. M^r Stoughton. M^r Bradstreet. M^r Flint. Increase
 Nowell.

Roberts com-
 itted.

George Roberts was comitted to the keeper for his ill carriage, but 3043.
 after had leave, to goe take care of his come, beeing it lay vpon
 spoyling.

Cooper.
 Hubbard.
 Converse
 con-table.
 Bosworth dia-
 charged.
 Sever fined.

Thomas Cooper, & Joshua Hubbard Constables of Hingham. 3044.

Edward Converse Constable of Wooborne. 3045.

Jonathan Bosworth is discharged from his bond. 3046.

Robert Sever for his miscarriage in neglecting the watch, is fined 3047.
 twenty pound which the Co't doth respite.

The Elders ad-
 vice desired.

Severall of the Members of Hingham, vpon admonition of the Co't, 3048.
 did refer it to the Co't, to speake to the Elders to consider the case, &
 to send some of themselves to see, if it may please the Lord by advise
 to helpe to reconcile their differences, and settle them in a way of Christ.

Wooldrige
 fined.

M^r John Wooldrige was fined 3^{lb}, & enjoyned vpon paine of 5^{lb} to 3049.
 acknowledge his offence, at Boston, Charlestowne, & Cambridge, read-
 ing an acknowledgment, written for his drunkenesse, & swearing.

Batter costs
 granted.

M^r Edmund Batter had six shillings, eight pence cost granted 3050.
 him, against M^r John Humphrey for serving him to appeare, & not
 prosecuting.

Lewis whipt.

John Lewis for running away, and breaking an house, was cen- 3051.
 sured to bee whipped, & sent home to his Master.

Cole to worke.

Richard Cole was comitted to worke for his liveing, till a master bee 3052.
 found for him.

Walcot Whipt.

William Walcot was censured to bee whipped, & kept in Prison, 3053.
 till further Order, for his idlenesse, & abuse of his friends.

White comitted.
 releas.

Richard White beeing comitted for refusing to watch, vpon his sub- 3054.
 mission he was released.

Hett.
 Whipt, &c.

Anne Hett for attempting to droune hir child was censured to bee 3055.
 whipped, and kept to hard labo^r, & spare diet.

Coteree whipt.

Thomas Coteree was censured to bee severly whipped, for his 3056.
 vnmeet dalliance with two or three girles.

Juryes verdict
 returned.

The Jury returned verdict about the death of Richard Silvester his 3057.
 child.

Part of Mo.
 Thyeryes
 estate.

The Governo^r hath in his hands about 4^{lb} of the estate of one 3058.
 Mountsier Thyery, a French man, that dyed here.

Watt's fined.

[282] George Watts is appointed to give ten shillings in cotton 3059.
 woole for swearing.

Cole put to
 Haward.

Richard Cole is put to William Haward for a yeare, vpon such 3060.
 wages as shall bee suteable to his yearnings.

At a Co't at Boston the 27th 8th Moth 1642.

p^rsent

The Governo^r M^r Dudley. M^r Bellingham. Increase Nowell.

3061. Samuel Finch, & John Gorton, for not appearing vpon the Alarme, their excuses were accepted, and they freed. Robert Vnion not appearing vpon the Alarme, his fine of 5^{lb} is respited, till the Generall Co^t. French Gorton excused. Vnions fine respited.
3062. Widdow Merriam is graunted administration of hir late husband Merriam his estate. Widdow Merriam administration graunted.
3063. William Web for his neglect, in not carefully attending the Order of Co^t about his bread, is fined ten shillings. Web fined.
3064. Vpon Consideration (severall Petitions p^rferred to this Co^t) It was Ordered that M^r John Smith, M^r William Bacon, together with M^r John Oliver, L^ervt^t Lusher, & Anthony Fisher, these, or any three of them whereof the said M^r John Smith, & M^r John Oliver to bee two, shall have power to take into their custody all the bookes. & writings of the said Edward Allen, to cast vp, & to cleare the accounts, for deviding of the interests of the severall Parties, & to pay, & receive all debts and to certify the Co^t with what speed they may. Comitted appointed.
3065. The Treasuro^r had order to pay M^r Oliver the sume of 12^{lb} for his paines about Mansfield. Mr Oliver's sume.
3066. John Newton, & Edward Allen are graunted the Administra^on of the estate of M^r Edward Allen. Administra^on graunted.
3067. Davyd Conway servant to W^m Beamsley, for resisting his master was censured to be whipped. Conway whipt.
3068. John Neale servant to M^r Cockram was comitted vpon suspicion of felony. Neale comitted.
3069. William Hudson was graunted six shillings, eight pence against Symon Kempthorne, for attaching, & causing him to attend, & not prosecuting. Hudson costs graunted.
3070. Frances Pembroke tooke hir oath, that M^r Allen, vpon his death bed gave his estate to John Newton, & Edward Allen his kinsman, & that he was then, & after in good memory, & vnderstanding. Mr Allens gift testified.
3071. The 14th of the 9th Moth 1642. Daniel Mansfeild is put to William Denux for five yeares from this p^rsent day. Mansfeild to Denux.

At a Quarter Co^t at Boston, the 6th of the 10th Moth 1642.

p^rsent.

The Governo^r M^r Dudley. M^r Bellingham. M^r Flint. Increase Nowell.

3072. Charles Chadwicke, & Robert Holmes, are fined three shillings, foure pence a peece, for beeing absent, being warned. Chadwicke. Holmes fined.
3073. Edward Lewis, Williams, John Shearman, & George Munnings, are appointed to view the leather which is tanned in Watertowne, & to certify vpon their oathes, (& in perticular leather tanned by John Winter, for which hee was p^rsented, which John Warren can testify) at the next Quarter Co^t. Searchers appointed.
3074. William Shepheard for covenanting for 15^{lb} wages p^r annum, is fined two pound. Shepheard fined.
- Laurence Copeland for covenanting for 15^{lb} wages p^r annum is fined 2^{lb}, beeing both released one halfe of the time, which was ordered to bee stayed in John Mowers hand, and by him, to bee payd two shillings to Martin Saunders, & 3^{lb} 18^s to the Treasuro^r. Copeland fined.
3075. Watertowne p^rsentment is referred to the next Quarter Co^t. Watertowne p^rsentment.

- M^r Hibbins allowed. It was ordered that M^r Hibbins should bee allowed twenty pounds 3076. for his horse killed in Publique service.
- M^r Bartholomew cause referred. M^r Bartholomew his cause, vpon his brothers vndertaking to bee 3077. surety to answer for his brother, at the next Quarter Co^t, it was referred to the next Quarter Co^t: And Capteine Keaynes Action is deferred by consent, till M^r Bartholomew doe come.
- Capt. Keaynes Action defer.
- Weane to Gunnison. David Weane by consent put himselfe to Hugh Gunnison for 3^{lb} 3078. 15^s till that bee wrought out.
- Addington deposition. Isaac Addington did depose that Timothy Higgenson had 6. gallons 3079. of M^r Eldreds wine, Robert Gillam had 5. gallons, William Pearee as hee thinketh had 5. gallons, & himselfe had 5. gallons.
- Matthew to Dexter. Dearmant Matthew is put to Thomas Dexter for the rest of his 3080. time, Dexter promiseth to pay what wages Dearmant proveth to bee due, and all is referred to M^r Sadler, & goodman Armitage to heare, & end all businesses. & the 3 attachments are discharged.
- Walton have his goods againe. It was Ordered that M^r Walton should have his goods againe, 3081. which were vnjustly taken and the Arbitrat^{rs} to end the businesse of the sow, if they can.
- Lee costs graunted. [283] John Lee is graunted six shillings 8. pence against 3082. Richard Lettin, for somoning him to appeare, causing him to attend, & not prosecuting.
- Braintree fined. Martin Saunders vndertooke the Bridges, p^sented, should bee re- 3083. paired, soe Braintree was fined three shillings, foure pence, & discharged.
- M^r Ruck. Stow called. It was Ordered that M^r Ruck, & Goodman Stow, should bee sent 3084. vnto, to come in at the next Co^t, & should shew how they have disposed of the 50^{lb}, or bring it in, or shew why they should not.
- Davies fined. William Davies was fined 5^{lb} for his contempt, in keeping vietu- 3085. alling against Order of Co^t.
- Hingham discharged. Boston discharged. p^sentments respited. Hingham vpon oath given, that the way is made out, is discharged. 3086. Boston is discharged, the way to Charlestowne being made good. 3087. The other p^sentments are respited till the next Quarter Co^t 3088. because of the weather.
- El. Hasnet put to Wilson. The 11th Moth 1642. 5. day. Elizabeth Hasnet is put to William 3089. Wilson, for 50^s wages, for the yeare.
- Wicks Constable. The 12th day. George Wicks beeing chosen Constable of Dorchester 3090. tooke his Oath.

At a Quarter Co^r at Boston the 10th of the 4th Moth 1643.
p^sent

The Governo ^r	The Deputie.	M ^r Dudley.
M ^r Bellingham.	M ^r Saltonstall.	M ^r Bradstreet.
M ^r Hibbens.	M ^r Flint.	Increase Nowell.

- Ridway payd. It was Ordered that forty five shillings of the estate of M^r William 3092. Bladen, should bee payd to James Ridway, who was his servant for his yeares provision.
- Boston p^sented. The Towne of Boston beeing p^sented for defect of their high- 3093. waies, they had bin p^sented for
- M^r Oliver payd. It was Ordered that M^r Oliver should have for his paines, & charge 3094. about the Saylo^r three pound, about Mansfeild twenty shillings, about Kemp seaven pounds; together eleven pounds.

3095. Robert Heathersby appearing is discharged of his bond, & graunted 10^s costs against. Heathersby discharged.
3096. James Brittain being p^sented, & traversing the p^sentment was respited to the next Co^t, and bound himselfe in twenty pounds to appeare then, & answer. William Brandon to appeare for a witsse. Brittain respited &c.
3097. Thomas Layton appearing was discharged. Layton discharged.
3098. Richard Smyth being convented, for being privy to Edward Waldo his intent to run away, which was witnessed by Blith Bull, hee was committed to. Smith committed.
3099. George Mills for a Battery is fined ten shillings. Mills fined.
3100. Richard Willis for a foule Battery is fined 2^{lb} 10^s, & committed till hee pay or give sufficient security. Willis fined com.
3101. William Chadborne, senio^r, John Low, Robert Butcher, William Affield, John Woodward, Ambrose Leach & Sacheas Bosworth were fined 10^s apeece, for drinking too much. Chadborne, Low, Butcher, Affield, Woodward &c. fined.
3102. Ralph Golthrope is fined 10^s for being distempered with wine. Golthrope fined.
3103. William Filpot was admonished to take heed of suffering drinking in his house. Filpot admonished.
3104. Anker Ainsworth being p^sented for taking excessive wages, it did not appeare, & soe hee was discharged. Ainsworth discharged.
3105. M^r Draytons Cause against M^r Wannerton is transmitted to the Co^t at Piseataq. M^r Draytons cause transim.
- M^r Stodder being p^sented for selling cloth at an excessive rate, it appeared noe excesse in him, soe hee promising to satisfy M^r Paine was discharged. M^r Stodder p^sented, disch.
3107. Henry Leake, & his wife for fornication were enjoyned to appeare the next Lecture day, at Dorchester after the Lecture, and to acknowledge their fault. Leake & his wife, for fornication to acknowledge.
3108. John Smyth Clarke of the Band at Dorchester. Smyth Clarke of the Band.
3109. Francis Pemble bound him in 20^{lb} to appeare at the next Co^t, to answer for his lewd, & reproachfull speeches. Pemble bound.

The 27th of the 5th Moth 1643.

p^sent

M^r Governo^r M^r Dudley. M^r Bellingham. M^r Hibbens. Increase Nowell.

3110. Nicholas Rogers for being distempered with wine, or strong drinke, was fined 2^{lb} who being imprisoned is remitted to ten shillings. Rogers fined.
3111. William Scutt for selling powder, & shot to the Indians was fined 10^{lb} to pay the halfe, when corne is payable, & the other halfe a 12. Moth after, & Thomas Spaule is surety. Scutt selling powder to Indians, fined.
3112. Samuel Bacon for stealing wine, & other thinges, was censured to be severely whipped, & to make double restitution, to M^{rs} Hull, & his Dame. Bacon stealing, whipt, &c.
3113. Robert Rogers was, for receiving stollen wine, being consenting in it, enjoyned to pay M^r Manning 32^s & fined to the Countrey 40^s. Rogers consenting to theft, fined &c.
3114. Miles Tompson for drinking with them, & being privy, was to pay M^r Manning 16^s. Tompson.
- Toby Davies being privy, & drinking with them was to pay M^r Manning 10^s. Davies.

- Wyar. [284] Robert Wyar for drinking with Bacon, beeing privy to the
Cooper. taking of it, was enjoyned to pay M^r Manning 4^s Thomas Cooper for
drinking, beeing privy to the manner of taking it, to pay M^r Manning 4^s.
- Tapping for
theit, whipt. Nathaniel Tappin for breaking, & *breaking* into severall houses, 3115.
and stealing severall thinges, was censured to be whipped, & put to
Goodman Gillam.
- Langley Lin
Constable. William Langley beeing chosen Constable of Linn, tooke his Oath. 3116.
- At a Quarter Co^t at Boston the 5th of the 7th Moth 1643.
p^rsent
M^r Deputie Gov^r M^r Dudley. M^r Bellingham. M^r Saltonstall. M^r
Pinchon. M^r Bradstreet. M^r Flint. M^r Symons. M^r Hibbens. Increase
Nowell.
- Clough fined. John Clough is fined 6^s 8^d for his absence when the Jury was called. 3117.
Colthrop fined. Ralph Colthrop was fined 3^s for his distemp^r in drinke, & if he fayle 3118.
in that againe, to have Corporall punishment.
- Legacies payd. It is Ordered that vpon the Letter of Attorney shewed heare in 3119.
Co^t, the Legacies should bee payd by M^r Smyth of Springfeild to
John Porter.
- Wilson fornica-
con fined. Gawen Wilson is fined twenty shillings for fornication, which M^r 3120.
Bozoon Allen vnderooke to satisfy in cotton-woole by M^r Coitmore.
- Napper dis-
charged. George Napper was discharged, & comitted to his Master, and to 3121.
stay with him, soe much longer for the time hee hath bin absent.
- Bairstow dis-
charged. William Bairstowe appearing was discharged. 3122.
Eliz. Vane
comitt. releas. Elizabeth Vane, for hir miscarriage in abusing one of the Magis- 3123.
trates, & M^r Newgate, was comitted at the pleasure of the Co^t, &
vpon hir humble Petition, & acknowledgment, was released.
- James Hing-
ham Const. Francis James chosen Constable of Hingham, tooke his Oath. 3124.
Gell whipt. Richard Gell servant to Francis Fellingham of Salem, for running 3125.
runing away. away was censured to bee whipped, & sent to his Master, whom hee is
to serve for the time hee hath lost.
- Bartlet whipt.
fined. John Bartlet for his swearing, theft, & drunkenes was comitted to 3126.
Prison, & censured to bee whipped, & fined twenty shillings. Stephen
Day for his defrauding severall men was comitted. John Gammage for
Gamage whipt. his swearing, drunkenes, & other prophanes, & disorder, was censured
to bee well whipped.
- Arbitrato^r. M^r Symons, M^r Fowle, M^r Smyth, M^r Dan, & Goodman Bendall, 3127.
are appointed by consent to arbitrate betweene M^r Humphrey & M^r
Robert Saltonstall.
- Anker fined. Thomas Anker payd 5^s for his destemp^r in drinke which 3128.
M^r Pendleton
Sudbury. M^r Briant Pendleton is appointed to exercise the Company at Sud- 3129.
bury.
- Watts fined. George Watts for his destemp^r in drinke, swearing, & abusing the 3130.
watch was fined 10th & to pay *to pay*, or give sufficient security before
hee bee released.
- Serjt. Wardall
Exeter. Serjt. Wardall is appointed to traine the Company at Exeter. 3131.
Lewis enjoyned. Lewis is enjoyned not to strike his servant John Lowe, & to set the 3132.
Lewis freed. said John Low free the 24th of the 4th Moneth 1644.
- Administration
graunted. Andrew Allen is graunted administration of his Brother Edward 3133.
Allen his estate, who was killed the fourth of this p^rsent Moneth.

3134. The eighth Moth twelfth. Nicholas Rogers for his drunkenes, and making others drunke with his strong-water, was censured to bee whipp'd. Rogers whipt.
Swiniard Lewis for his beeing drunke, was fined ten shillings, which hee paid. Lewis fined.
3135. The 19. day. Israel Hart is fined twenty shillings for neglecting the watch, and enjoyed allsoe to pay the two witnesses, and the officer. Hart fined.
3136. The 20. day. Richard Wood is allowed to keepe an Ordinary at Roxbury. Wood Ordinary keep.
3137. Thomas Burges for his distemper, was dismissed with an admonition to take heed of the like fayling. Burges admonisht.
3138. Thom. White is granted 15^s 4^d against Andrew Belcher, for the 5^{lb} of powder, & trouble he hath put him to. White costs granted.
3139. Thomas Bauldwin for his miscarriage to his master, and striking him was comitted to prison. Bauldwin comitted.
3140. Robert Wright is fined twenty shillings for beeing twice distempered in drinke, or to sit an houre in the stocks, the next Market day at Boston. Wright fined.
3141. William Barnes for swearing is fined ten shillings. Barnes fined.
3142. James Kinloah appearing for want of prooffe hee was discharged. Kinloah discharged.
3143. It was Ordered that Francis Lightfoot should have paid him, by Mr Edward Gately ten shillings, and by Joseph Armitage foure shillings, for the trouble, & attendance they caused to him. Lightfoot paid.

[285] At a Co^t at Boston the 26 of the 8th 1643.

p^sent

The Deputie Governo^r M^r Thomas Flint. Increase Nowell.

3144. Leonard Fryar was fined 10^s Leonard Fryar, James Nelme, & David Wayne, all 3. are bound in 40^s apeece to appeare at the next Quarter Co^t to answer for excessive drinking, & distemper. Fryar fined. Fryar, Nelme, Wayne, bound to appeare.
3145. John Garland for stealing severall thinges to the value of 3^s 6^d was enjoyed to make double restitution. Garland to make restitution.
3146. Thomas Arnold beeing chosen Constable of Watertowne, tooke the Constables Oath. Arnold Watertowne Const.
3147. The will, & Inventory of William Fry, to the Recorder was delivered the ninth of the ninth Moneth, the widow beeing Execentrix, and the wittnesses Thomas Bayly, & John Burges tooke their Oaths. Fries will recorded.
3148. David Dauling, Mary Audley, & Jane Jeffrey, for their filthy, & vncleane practise, were censured to bee severely whipp'd. Dauling, Audley, Jeffrey, whipt.

At a Co^t at Boston the 5th of the 10th Moth 1643.

p^sent The Governo^r M^r Dudley. M^r Winthrop Jun^r.

M^r Stoughton. M^r Hibbens. M^r Flint. Increase Nowell.

3149. Capteine John Chadwicke for swearing many oathes, and other disorder is fined twenty pounds. Capt. Chadwicke fined.
3149. Capteine Aaron Williams for distemp^r in drinke, is fined ten shillings, which hee paid. Capt. Williams fined.
3150. It was Ordered that John Johnson the Surveyo^r should take out of the Cattell which came from Providence, the money disbursed for that Company, & vndertaking, which is twenty five pounds three shillings, & nine pence, as p^p ticulers. Souldiers charges disbursed.

- Sudbury Mill fined. The owners of Sudbury Mill are fined 3^s 4^d for want of Seales, & 3151. Weights, and they are to provide them, by the next Quarter Co^t in paine of twenty shillings.
- Dedham transcript accepted. Dedham delivered in a transcript of their Lands, and was discharged; and for the way betweene Dedham and Cambridge, they have time till the fourth moneth next. 3152.
- Painter stockt. Thomas Painter for disturbing the Church of Hingham, was censured to bee sett in stocks a Lecture day, at Lecture time, except hee humble himselfe, and give the Church satisfaction. 3153.
- Ardway accused, dismissed. Abner Ardway beeing accused for dallying with Mary Giles for want of prooffe he was dismissed with an admonition. 3154.
- Read dismissed. John Read for refusing to watch hee was dismissed, and the thing to bee considered. David Williams for assaulting the watch was censured to be whipped at Braintree. and warrant to George Read, to stop out of the wages, to pay the witnesses. William Porter for refusing to watch to bee considered of. 3155.
- Porter considered of.
- Archers whipping respited. John Archer for resisting his Master was censured to bee whipped, which is respited. 3156.
- Too much wages considered of. James Loranson, John Callwell, Thomas Danfort, John Gill, and his wife, with John Pope beeing p^resented, for taking too much wages, to bee considered of. 3157.
- Johnson chosen Leivt. Edward Johnson beeing chosen Leivt^t of Wooborne is allowed of. 3158.
- Merryfeild respited. Henry Merryfeild beeing p^resented for lewd speeches, is respited. 3159.
- Beamis fined. John Beamis for freeing his servant against Order, was fined ten shillings. M^r Broughton is dismissed, hee beeing not respondent for it.
- Mr. Broughton dismissed. John Barnard for his daingerous well, is fined 10^s and enjoyned to make it safe with 28 dayes, vpon paine of 40^s.
- Adams Braintree Constab. Henry Adams beeing chosen Constable of Braintree, tooke his Oath. 3160.
- Golthrop whipt, or fined. Ralph Golthrop for beeing againe distemp^red with drinke, was censured to bee whipped, which if hee bring sureties for his good behavio^r and pay twenty shillings, hee is discharged. 3161.
- Campion costs granted. Clement Campion is graunted three pounds 6. shillings, & 8. pence against John Rogers, for attaching him, & not prosecuting. 3162.
- Killmaster fined. Betts discharged. John Killmaster for beeing twice distemp^red with drinke was fined twenty shillings. John Betts appearing, for want of prooffe was discharged. Thomas Weatherly for swearing, & quarrelling was fined twenty shillings. and to pay the wittnesses five shillings. 3163.
- Weatherly fined.
- Hudson Ordinary Keep^r. William Hudson Junio^r is allowed to keepe an house of enterteinment. 3164.
- M^r Stileman discharged. M^r Stileman appearing about the way, for want of wittnesses, was discharged. 3165.
- Fryar. Nelme. Wayne. forfeit. Leonard Fryar, Jasp^p Nelme, & David Wayne forfeited forty shillings a peece for not appearing. 3166.
- Wright bound. George Wright for his attempt to vncleanes with a married woman, is bound to his good behavio^r in forty pound, & to appeare at y^e Quarter Co^t the first Moneth, and to pay the wittnesses. 3167.
- Knop ordinary keep^r. William Knops wife is allowed to keepe an house of entertainment. 3168.
- Osborne costs granted. Richard Osborne was graunted six shillings, 8. pence. against Thomas Turner for warning him to appeare, & not prosecuting. 3169.
- Capt. W^m discharged from Capteine Chadwicke. Capteine Aaron Williams is discharged from Capteine John Chadwicke, in regard hee swore hee would kill him, as was testified. 3170.

3171. Attachments were graunted against such as beeing warned did not appeare, as, Carew Latham, Richard Quick, Samuel Finch his wife &c. Attachms graunted.
3172. M^r Dunsters Petition is graunted him, & any two of the Feofees to have power to dispose of thinges, and to receive, & pay the debts. M^r Dunsters Petition graunted.

At a Co^t at Boston the 25th of the 11th Moth 1643.

p^rsent

The Governo^r M^r Dudley. M^r Hibbens. M^r Flint. Increase Nowell.

3173. The Constable of Boston is fined ten shillings for not returning his warrant. Thomas Grub not appearing upon the Jury is fined 5^s this is discharged. Thomas Moulton for his light carriage. is bound in ten pound to bee of good carriage, and to appeare at the next Co^t. Boston Const. fined. Grubs fine discharged. Moulton bound.
3173. [286] Bridget Barnard for stealing from M^r Stodder yards of ribben 3^s 24. douzen of buttons, 4^s from William Knop senior ½ yard of bayes 1^s 6^d from Goodw. Button a peece of callico, 8^d & from John Trotman 2. paire of shooes 6^s. Barnard stealing.
3174. William Flint beeing a married man haveing gotten a slutt with child is fined 20^{lb} whereof 10^{lb} is left to the Toune of Salem to bring vp the child with, and the other ten pound to the Publique, and to lye in Prison till hee pay it, or give security. Flint fornication fined.
3175. M^r Treasuro^r was desired to cast vp Goodm. Turners bill, & if it be found right 53^{lb} 15^s 6^d to allow it. Co^t Charges.
3176. David Weane is remitted 20^s of the 40^s forfeited for non appearance, to pay the other 20^s which George Burden vndertook to pay, within a Month. Jas^p Nelme is remitted 20^s of his forty shillings forfeited, to pay the other twenty shillings. Weanes. Nelmes fine in part remitted.
3177. William Chadborne appearing to answer John Shaw is discharged for the p^rsent. Chadborne Shaw.
3178. The transcript of Watertowne Lands is respited till the Quarter Co^t in the 4th Moth next. Watertowne Lands transcript respited.
3179. Mary Bentley for stealing *for stealing* M^r Waltons jewell of 11^s price, hee haveing the jewell againe and 9^s 6^d of hir wages shee is to pay 18^d more. Bentley stealing. Restitution.
3180. John Parker appearing vpon sumons from John Kendall, & Kendall not prosecuting John Parker is graunted six shillings, eight pence against Kendall. Parker Kendall.
3181. The 2^d of the 12th Moth Hugh Mason, and George Munnings, beeing p^rsent for sealers, & searchers of leather. Richard Bayly put himselfe for 4. yeares to Abramim Hill, from the 13. of y^e 11 Moth past. Mason. Munnings, sealers. Bayly to Hill.

At a Quarter Co^t at Boston the 5th of y^e 1st Moth 1643.

p^rsent.

The Governo^r The Deputie Gov^r M^r Dudley. M^r Bellingham. M^r Winthrop jun^r. M^r Bradstreet. M^r Hibbens. M^r Flint. M^r Symonds. Increase Nowell.

3182. George Frost beeing distempered with wine was fined ten shillings. Frost distempered fined.
3183. John Hart beeing distempered with wine was fined twenty shillings. Hart distempered fine.
3184. Thomas Cooper beeing absent from the Grand Jury, when it was called, is fined six shillings, eight pence. Benjamin Gillam beeing absent from the Jury of Tryalls is fined five shillings. Cooper } fined. Gillam }

Hal-teeds In-
ventory, his
eldest son Ad-
ministrato^r.

The Inventory of Nathaniel Halsteed amounting to 213^{lb} 13^s 2^d was 3185. p^resented, & it was ordered the eldest son should have 106^{lb} 10^s & the other 2. children, 106^{lb} 10^s, & the eldest son William is graunted to bee administrato^r.

Fryars forfeit-
ure remitted.
for distemp
fined.
Latham.
Johnson.
Baldwin.
fined.

Leonard Fryar his forfeiture is remitted, & hee is fined 15^s for 3186. distemper in drinke. & disorder.

Carew Latham is fined 10^s for his disorder, & dismissed. Edward 3187. Johnson jun^r for imoderate drinking was fined 5^s, & dismissed. John Baldwin for excessive drinking, was fined 5^s, & dismissed.

Anne Clarke
divorced.

Anne Clarke beeing deserted by Denis Clarke hir husband, & hee 3188. refusing to accompany with hir, she is graunted to bee divorced, his refusall was vnder his hand, & seale, which hee gave before M^r John Winthrop jun^r M^r Emanuel Downing, M^r Nehemiah Bo^rne, & Richard Babington, alsoe hee confesseth hee liveth in adultery with one, by whom hee hath had 2. & refuseth hir which hee had 2 children by.

Wright dis-
charged.

George Wright appearing & testimony of his good carriage hee was 3189. discharged.

Milam dis-
charged.

John Milam appearing, & declaring hee had the cloth of M^r 3190. Stoughton for 9^s hee was discharged.

M^r Dutchfeild
fined.

M^r Thomas Dutcheild for distemper in drinke is fined 10^s & ad- 3191. monished, & dismissed.

Amedowne.
Harris.

Roger Amedowne was enjoyned to pay 2^s 6^d fees. admonished, & 3192. discharged. John Harris to pay two^s 6^d fees, was admonished, & dis- charged.

Brittaine,
Latham for
adultery con-
demned.

James Brittaine beeing found guilty of adultery with Mary Latham, 3193. he was condemned to death. Mary Latham beeing found guilty of adultery with James Brittaine, she was condemned to death.

Taylor

Rebecka the wife of John Taylor. 3194.

Betson.

Stephen Betson for his sinfull attempt hee was bound to his good 3195. behavio^r, & enjoyned to appeare y^e next Co^rt.

Smith theft
fined.

Nathaniel Smith for his theft was ordered to pay Capt. Sedgwicke 3196. 49^s & fined 20^s for his intemperate drinking.

Stow, Concord
222 acres.

Vpon releasment of John Stow, Concord men are grauated Power 3197. to seize the 222. acres of Land, & hay, & debts due by any rent of the said Land.

Moulton dis-
charged.
Richardson
sequestred
from Fryar.

Thomas Moulton appearing was discharged. 3198.

It was Ordered that John Richardson should be sequestred from 3199. Elizabeth Fryar, to whom he was married, y^e 12th of the 8th Moth, & neither to meddle with hir Person, nor estate, till thinges bee cleared by advice from England. & Christop. Lawson is to keepe 5^s p^r weeke out of his yearnings, when his debts are paid.

Co^rt Charges.

Francis Smith is graunted his bill of 2th 3^s 11^d for ferridge, & horse 3200. pasture, of Magistrates, & Deputies horses from the 25th of y^e 2^d Moth 1642. to the 5th of the 1st Moth 1643.

Merrickes fined.

[287] James, & John Merricke for drinking intemperately, and 3201. suffering others to drinke at their house, & selling wine, are fined 10^s apeece, & to pay 2^s 6^d apeece, fees. Thomas Orton for intemperate drinking is fined 5^s & 2^s 6^d fees. Thomas Sheepe for intemperate drink- ing is fined 5^s & 2^s 6^d fees.

Orton, fined.
Sheep.

3202. The 23. of the 3^d Moth Barnabas Fawer tooke the oath for Con-
stable for Dorchester for the yeare ensueing. Fawer.
Dorchester
Constable.
- The 30th day. Thomas Richards, & William Read being chosen
Constables of the Toune of Waymouth did take their oathes. Richards.
Read Way-
mouth C^o.
3203. John Johnson, & William Parks are appointed a Com̄ittee to
examine, by the former Comissiono^{rs} or otherwise, to find out, gather
vp, & receive into their eustody, which hereby they are Authorized to
doe, & to certify how they find things about M^r Samuel Cooke his
estate. Johnson.
Parks.
Com̄ittee
M^r Cookes
estate.



INTRODUCTION.

THE history of the published Laws of the Colony of Massachusetts is naturally divided into four periods. First, the publication of the Body of Liberties in 1641; secondly, the issue of the first collection of Laws, in 1649; thirdly, the revision of 1660; fourthly, the further revision of 1672, with its supplements through 1686.

Having already been able to reprint the edition of the Laws of 1672, with its supplements, I now have the satisfaction of presenting in this volume two of the other earlier documents, namely, the Body of Liberties of 1641 and the revision of the Laws as printed in 1660. The other edition, that of 1649, is doubtless hopelessly lost, no copy being now known. We may, however, conclude that its title was the same as the first part of that prefixed to the edition of 1660; and we are assured by the preface to the last-named book that the edition of 1649 was arranged "in an alphabetical order," that it had a preface or "epistle" telling "there would be need of alterations and additions." It is also clear that the editions of 1660 varied from that of 1649 by the omission of such laws as had been repealed and the addition of such laws as had since been enacted. Those which were omitted cannot be recovered, but by comparing the Body of Liberties with the edition of 1660, and by striking out of the latter also all the laws dated after 1649, it would still be possible to reconstruct the edition of 1649 in almost perfect form.

It is perhaps as well to state here that for a long time a spurious Code of Laws has been cited as the genuine Body of Liberties of 1641. I refer to the pamphlet issued in 1641 in London, which was undoubtedly the work of Rev. John Cotton. It was reprinted there in 1655 under the care of William Aspinwall, and has in later years been reprinted, in 1798, in the fifth volume of the first Series of the Collection of the Massachusetts Historical Society, and, in 1844, in the third volume of Force's Tracts. It was also printed in Hutchinson's Collections of Papers (Boston, 1769),

and reprinted with notes in the re-issue of that book by the Prince Society (Albany, 1865).

Although, as will be shown, the evidence is conclusive that Cotton's Code was only *proposed* and never accepted, while a totally different set of laws was actually enacted in 1641, this error has obtained in many quarters, and needs to be authoritatively denied and disproved.

Reverting therefore to the facts which can be ascertained, it is well to remember that our system of making laws by a representative body was not coincident with the settlement of the colony of Massachusetts. The Charter of March 4, 1629, provided for a governor, a deputy-governor, and eighteen¹ assistants to be chosen from time to time out of the freemen of the company, whereof seven assistants, together with the two officers, were to be a quorum. They were to meet once a month or oftener at their pleasure, and four times in each year, viz., upon every last Wednesday in Hilary, Easter, Trinity, and Michaelmas terms, were to hold a Great and General Court. In the General Court new members could be admitted, and at that time they could "make laws and ordinances for the good and welfare of the said Company, and for the government and ordering of the said lands and plantation and the people inhabiting and to inhabit the same, as to them from time to time shall be thought meet. So as such laws and ordinances be not contrary or repugnant to the laws and statutes of this our realm of England." (Records, p. 12.)

In fact, for several years after the settlement here the powers of the General Court were allowed to lie dormant. The Court of Assistants met from time to time, as seemed necessary, but the General Court met only as follows: —

1630.	October 19.	(Records, i. p. 79, printed edition. ²)
1631.	May 18.	" i. p. 86.
1632.	May 9.	" i. p. 95.
1633.	May 29.	" i. p. 104.
1634.	May 14.	" i. p. 116.

The Records as preserved show both the extent of the powers exercised by the Assistants, and the insignificance of the action of

¹ This number was not observed until 1680. Before this twelve was the highest number actually serving, and eight or nine more usual. — W. H. W.

² I cite Savage's edition of Winthrop, Boston, 1853; and in all cases the printed edition of the Records, issued by the State. — W. H. W.

the body of freemen assembled in the annual General Court. The Assistants acting as a Court had during these three years inflicted fines, whippings, and imprisonments, had levied taxes and granted lands. In fact, at the first General Court on Oct. 19, 1630, it was voted "by the general vote of the people and the erection of hands," that the Governor and Deputy Governor with the Assistants, "should have the power of making laws and choosing officers to execute the same." (Records, p. 79.)

Winthrop indeed records (Hist. i. 84) that in February, 1631-2, the settlers at Watertown objected to paying £8 as their part of a rate for £60 for fortifying the new town, on the ground that the government was like that of a mayor and aldermen. But they were convinced by the Governor and Council "that this government was rather in the nature of a Parliament."

In 1634, however, the freemen of the colony showed a desire to take a part in the government. Winthrop (i. 152-3) thus introduces the matter:—

"Notice being sent out of the General Court to be held the 14th day of the third month called May, the freemen deputed two of each town to meet and consider of such matters as they were to take order in at the same General Court; who having met, desired a sight of the patent, and, conceiving thereby that all their laws should be made at the General Court, repaired to the Governor to advise with him about it, and about the abrogating of some orders formerly made, as for killing of swine in corn, &c. He told them, that when the patent was granted, the number of freemen was supposed to be (as in like corporations) so few, as they might well join in making laws; but now they were grown to so great a body, as it was not possible for them to make or execute laws, but they must choose others for that purpose: and that howsoever it would be necessary hereafter to have a select company to intend that work, yet for the present they were not furnished with a sufficient number of men qualified for that business, neither could the company bear the loss of time of so many as must intend it. Yet this they might do at present, viz. they might at the General Court make an order, that once in the year, a certain number should be appointed (upon summons from the Governor) to revise all laws, &c. and to reform what they found amiss therein; but not to make any new laws, but prefer their grievances to the Court of Assistants; and that no assessment should be laid upon the country without the consent of such a committee, nor any lands disposed of."

At the meeting of the General Court, May 14, 1634, there were present, besides the Governor, Deputy, and six other assist-

ants, twenty-four deputies, undoubtedly sent by Newtown (*i.e.*, Cambridge), Watertown, Charlestown, Boston, Roxbury, Dorchester, Saugus (*i.e.*, Lynn), and Salem; three from each place.³

This regular Legislature proceeded to vote (Records, i. 117), that none but the General Court had power to choose and admit freemen, nor to make and establish laws, to appoint or remove officers and fix their duties, nor to raise money and taxes, nor to dispose of lands. It was also ordered (p. 118), that there should be four General Courts yearly, to be summoned by the Governor, and not to be dissolved without the consent of the major part of the Court. Lastly, they ordered that the freemen of every town might choose two or three men to prepare business to be submitted to each Court, — a provision which was soon neglected, — and also the following system which has continued ever since.

“Such persons as shall be hereafter so deputed⁴ by the freemen of the several plantations, to deal in their behalf in the public affairs of the commonwealth, shall have the full power and voices of all the said freemen, derived to them for the making and establishing of laws, granting of lands, &c., and to deal in all other affairs of the commonwealth wherein the freemen have to do, the matter of election of magistrates and other officers only excepted, wherein every freeman is to give his own voice.”

From this time on, the records of the General Court show that this body exercised its powers vigorously and extensively, but at the beginning without much idea of theoretical legislation. General laws were often passed, but they related to special subjects, often to trivial ones. No constitution and no general code of system of laws was enacted, though of course the laws of England were supposed to be the authority on which all orders or sentences were founded.

In 1635 a step was taken as follows: At a General Court held at New Town, May 6, 1635, it was voted (Records, i. 147): —

“The Governor [John Haynes], the Deputy Governor [Richard Bellingham], John Winthrop and Thomas Dudley, Esquires, are deputed by the Court to make a draught of such laws, as they shall judge useful for the well ordering of this Plantation, and to present the same to the Court.”

³ Savage (Winthrop, i. 154) writes that he identified the residences of all but one or two. He adds, that Ipswich sent deputies on March 4, 1635, Weymouth in September, 1635, Hingham in May, 1636, Newbury in September, 1636, and Concord in April, 1637. — W. H. W.

⁴ At first the deputies were chosen for each General Court; from 1639 to 1640 they were chosen semiannually; and in 1642 and ever since that time they have been elected once a year. — *F. C. Gray*.

Winthrop (History, i. 191) confirms this as follows:—

“ 6th of 3d month (May) 1635. The deputies having conceived great danger to our state in regard that our magistrates, for want of positive laws, in many cases, might proceed according to their discretions, it was agreed, that some men should be appointed to frame a body of grounds of laws, in resemblance to a Magna Charta, which being allowed by some of the ministers and the general court, should be received for fundamental laws.”

At the General Court for March 3d, 1635–6 (Records, i. 169, 170), the system of Courts to be held by the magistrate was settled; and it was ordered that only two General Courts should be held annually, one in May for elections and other affairs, and one in October for making laws and other public occasions. It was also provided that, since there might be differences in the General Courts between the magistrates and the deputies,

“ No law, order, or sentence shall pass as an Act of the Court, without the consent of the greater part of the magistrates on the one part, and the greater number of the deputies on the other part; and for want of such accord, the cause or order shall be suspended, and if either party think it so material, there shall be forthwith a committee chosen, one-half by the magistrates, and the other half by the deputies, and the committee so chosen to elect an umpire, who together shall have power to hear and determine the cause in question.”

At the General Court, May 25, 1636, it was ordered as follows (Records, i. 174–5):—

“ The Governor [Henry Vane], the Deputy Governor [John Winthrop], Thomas Dudley, John Haynes, Richard Bellingham, Esquires, Mr. Cotton, Mr. Peters and Mr. Shepherd are entreated to make a draught of laws agreeable to the word of God, which may be the Fundamentals of this Commonwealth, and to present the same to the next General Court. And it is ordered that in the mean time the magistrates and their associates shall proceed in the Courts to hear and determine all causes, according to the laws now established, and where there is no law, then as near the law of God as they can; and for all business out of Court for which there is no certain rule yet set down, those of the standing council ⁵ or some two of them, shall take order by

⁵ This refers to a curious experiment made in 1636, in the form of a council for life. March 3, 1635–6 it was voted that the General Court should, from time to time, elect a certain number of the magistrates for the term of their lives as a Standing Council, to be removed only for crime, insufficiency, or other weighty cause; the Governor always to be president of the body, and the power to be such as the General Court might indue them with. May 25, 1636, Gov. Winthrop and Thomas Dudley were so chosen; May 17, 1637, John Endicott was elected; but none others were ever added. The scheme was connected with certain proposals by Lord Say and

their best discretion, that they may be ordered and ended according to the rule of God's word, and to take care for all military affairs until the next General Court."

We have seen that in May, 1636, Mr. Cotton, Mr. Peters, and Mr. Shepherd were asked to assist in preparing a code, and Winthrop gives this further information (Hist., i. 240), under date of Oct. 25, 1636:—

"Mr. Cotton being requested by the General Court, with some other ministers, to assist some of the magistrates in compiling a body of fundamental laws, did, this Court, present a copy of Moses his judicials, compiled in an exact method, which were taken into further consideration till the next General Court."

There is nothing to show that any action was taken on Mr. Cotton's draft of laws, nor, indeed, that anything was done by the committee of 1635 and 1636.

At the General Court, begun March 12, 1637-8, however, a vigorous show of work was made. The following order was then passed (Records, i. 222):—

"For the well ordering of these Plantations now in the beginning thereof, it having been found by the little time of experience we have here had, that the want of written laws hath put the Court into many doubts and much trouble in many particuler cases, this Court hath therefore ordered, that the freemen of every town (or some part thereof chosen by the rest) within this jurisdiction, shall assemble together in their several towns, and collect the heads of such necessary and fundamental laws, as may be suitable to the times and places, where God in his providence hath cast us, and the heads of such laws to deliver in writing to the Governor for the time being before the 5th day of the 4th month, called June, next, to the intent that the same Governor [John Winthrop] together with the rest of the standing council, and Richard Bellingham Esquire, Mr. Bulkeley, Mr. Phillips, Mr. Peters and Mr. Shepherd, elders of several churches, Mr. Nathaniel Ward, Mr. William Spencer, and Mr. William Hawthorne, or the major part of them, may, upon the survey of such heads of laws, make a compendious abridgement of the same by the General Court in Autumn next, adding yet to the same or detracting therefrom what in their wisdoms shall seem meet, that so the whole work being perfected to the best of their skill, it may be presented to the General Court for confirmation or

Sele and others in England to join the colony, if hereditary rank and privileges were conceded. Hutchinson (History, i. 501) copies a letter from Rev. John Cotton to Lord Say, in 1636, wherein he cites this establishment of a council for life, as intended as a concession to him. But the popular feeling was opposed to the plan, and it was dropped informally, though for a year or two some duties were imposed on these three members. — W. H. W.

rejection, as the Court shall adjudge. And it is also ordered, that the said persons shall survey all the orders already made, and reduce them into as few heads as they may, and present them unto the General Court for approbation or refusal as aforesaid."

The next step is shown by the order passed by the General Court, Nov. 5, 1639 (Records, i. 279), viz.:—

"It is ordered that the Governor [J. Winthrop], Deputy Governor [Thomas Dudley], Treasurer and Mr. Stoughton or any three of them, with two or more of the deputies of Boston, Charlestown or Roxbury, shall peruse all those models which have been or shall be further presented to this Court, or themselves, concerning a form of government and laws to be established, and shall draw them up into one body, (altering, adding or omitting what they shall think fit,) and shall take order, that the same shall be copied out and sent to the several towns, that the elders of the churches and freemen may consider of them against the next General Court, and the charges to be defrayed by the Treasurer."

The full meaning of this order and the cause of the endless delays are explained by Winthrop's memorandum under the date of November, 1639. It is as follows (History, i. 388-389):—

"The people had long desired a body of laws, and thought their condition very unsafe, while so much power rested in the discretion of magistrates. Divers attempts had been made at former courts, and the matter referred to some of the magistrates and some of the elders; but still it came to no effect; for, being committed to the care of many, whatsoever was done by some, was still disliked or neglected by others. At last it was referred to Mr. Cotton and Mr. Nathaniel Warde, &c., and each of them framed a model, which were presented to this General Court, and by them committed to the Governor and Deputy and some others, to consider of, and so prepare it for the Court in the third month next. Two great reasons there were, which caused most of the magistrates and some of the elders not to be very forward in this matter. One was, want of sufficient experience of the nature and disposition of the people, considered with the condition of the country and other circumstances, which made them conceive, that such laws would be fittest for us, which should arise *pro re nata* upon occasions, &c., and so the laws of England and other states grew, and therefore the fundamental laws of England are called customs, *consuetudines*. 2. For that it would professedly transgress the limits of our charter, which provide, we shall make no laws repugnant to the laws of England, and that we were assured we must do. But to raise up laws by practice and custom had been no transgression; as in our church discipline, and in matters of marriage, to make a law that marriages shall not be solemnized by ministers, is repugnant to the laws of England; but to bring it to a custom by

practice for the magistrates to perform it, is no law made repugnant, &c. At length (to satisfy the people) it proceeded, and the two models were digested with divers alterations and additions, and abbreviated⁶ and sent to every town, (12) to be considered of first by the magistrates and elders, and then to be published by the constables to all the people, that if any man should think fit, that any thing therein ought to be altered, he might acquaint some of the deputies therewith against the next Court."

We have here the evidence of a most competent witness, that the delay in framing a code of laws was intentional on the part of the magistrates and elders. It is also clear that two schemes were framed, one by Rev. John Cotton and the other by Rev. Nathaniel Ward, and, fortunately, both documents are extant. As already stated, Cotton's scheme was rejected; and yet, having been put in print under a false title, it has long enjoyed an undeserved credit. The plan proposed by Ward, possibly amended by the towns or the General Court, was adopted in 1641, was known as the Body of Liberties, and is the foundation of the legislation of Massachusetts.

This fact, herein fully set forth and verified, ought to restore this inestimable document to its proper place, to serve as the basis for all future citations of our laws.

The few remaining entries in regard to Ward's Body of Liberties may now be cited. At the General Court, May 13, 1640 (Records, i. 292-293), it was voted: —

"Whereas a Breviate of Lawes was formerly sent forth to be considered by the elders of the churches and other freemen of the Commonwealth, it is now desired, that they will endeavour to ripen their thoughts and counsels about the same by the general court in the next 8th month."

At the General Court, June 2, 1641 (Records, i. 320): —

"The Governor [Richard Bellingham] is appointed to peruse all the laws, and take notice what may be fit to be repealed, what to be certified, what to stand, and make return to the next General Court."

⁶ These manuscript copies were made by Thomas Lechford, as appears by his "Note-Book" (Boston, 1885, pp. 237-8). He enters, "I writt 5 copies more of the Lawes for the Country by the direction of our Governor. 11. 8. 1639. Seven of them and the former had 3 lawes added. A Coppie of the Abstract of the Lawes of New England delivered to the Governor, 11. 15. 1639. And 12 copies of the said Lawes first delivered, vizt., in 10 last. For writing a Copy of the breviat of the body of Lawes for the Country. 12. 5. 39. The 3 lawes added to the Copie of Lawes for Dorchester, delivered to the Constable, 12. 6. 1639. The 3 lawes added to 4 more of the said Coppies brought by the marshall. 12. 11. 39. Three Copyes of the said breviat delivered to the Governor besides the first, 12. 12. 1639 One copy of the said breviat delivered to Mr. Bellingham, with one copy of the originall Institution and limitation of the Councill, 12. 17. 1639. Seven copyes more of the said breviat. — W. 11. W.

At the General Court October 7, 1641 (Records, i. 340): —

“The Governor [Bellingham] and Mr. Hawthorne were desired to speak to Mr. Ward for a Copy of the Liberties and of the Capital laws to be transcribed and sent to the several towns.”

Subsequently at the same Court, under the date of December 10, 1641, is the following entry (Records, i. 344): —

“Mr. Deputy Endicot, Mr. Downing, and Mr. Hawthorne are authorized to get nineteen Copies of the Laws, Liberties and the forms of oaths transcribed and subscribed by their several hands, and none to be authentic but such as they subscribe, and to be paid for by the Constable of each Town, ten shillings a piece for each copy, and to be prepared within six weeks.”

Finally, at the end of this session of December 10, 1641, on the original record is the written attestation of Gov. Winthrop as follows: —

“At this Court, the bodye of laws formerly sent forth among the Freemen, etc., was voted to stand in force, etc.”

Winthrop (History, ii. 66) writes in regard to the General Court of December, 1641, as follows: —

“This session continued three weeks, and established one hundred laws, which were called the Body of Liberties. They had been composed by Mr. Nathaniel Ward (some time pastor of the church of Ipswich: he had been a minister in England and formerly a student and a practiser in the course of the common law) and had been revised and altered by the Court and sent forth into every town to be further considered of, and now again in this Court, they were revised, amended and presented, and so established for three years, by that experience to have them fully amended and established to be perpetual.”

We have thus, following the exhaustive selections of authorities made by Mr. F. C. Gray, arrived at a few certain conclusions. First, that John Cotton and Nathaniel Ward each prepared a code of laws; secondly, that Mr. Ward's code was adopted in 1641 and was the Body of Liberties; thirdly, that his code consisted of one hundred laws; and, lastly, that the Athenæum manuscript is a true copy, containing 98 numbered sections, which, with the Preamble and concluding paragraph, make out the requisite one hundred.

That a copy of the manuscript Body of Liberties should have survived is one of the fortunate accidents of literature. In the

Boston Athenæum there is preserved a volume which was formerly owned by Elisha Hutchinson, who was the grandfather of Gov. Thomas Hutchinson, and who died, in 1717, at the age of 77. It is evident from this collection that Hutchinson gave a careful attention to the question of the laws. He had the printed edition of 1672, to which he added the Supplements, making the collection so nearly complete that it was used for our recent reproduction. He copied some laws in manuscript, he corrected errors of pagination, and in fact did everything possible to perfect his copy.

Prefixed to the Laws is a collection of manuscripts, as follows:—

1. King Charles' Letter from Hampton Court, June 28, 1662.
Printed in Hutchinson's Collection, p. 377.
2. Declaration of the General Court, 23 May, 1665.
3. Commissioners' Reply, May 24, 1665.
Both printed in Hutchinson, Hist., i. 246, &c.
- 4.* King Charles' Letter, Whitehall, April 23, 1664.
Printed in 2d Hazard, 634.
5. Colony Charter March 4, 1629.
Printed in Hutchinson, Coll. 1.
- 6.* Copy of the Liberties of the Massachusetts.
7. Parallel between the Fundamental Laws of England & Massachusetts. A part only, the whole is printed in Hutchinson, Coll., 196.
8. Answer of a Committee of the General Court to matters proposed touching their Liberties, June 10, 1661.
Printed in Hutchinson, Hist., i. 529.
9. King Charles' Commission to Col. Nichols.
Printed in Hutchinson, Hist., i. 535.
- 10.* Order in Council, Whitehall July 20, 1677.
11. King Charles' Letter, Newmarket, Sept. 30, 1680.
Printed in Hutchinson, Coll., 522.

All these documents are on uniform paper with a ruled border, but the first nine seem to be in one handwriting, not that of Elisha Hutchinson. Numbers 10 and 11 seem to be written by the collector and transcriber of the Laws. The pagination is 1-47, covering only the articles Nos. 5, 6, and 7, and the book is in its original sheep binding. On the inside of the last cover is the autograph "Elisha Hutchinson," and on the inside of the first cover that of William S. Shaw, Jan., 1816. Mr. Shaw was Librarian of the Boston Athenæum from 1813 to 1822, and this book

* These three articles were not used by Gov. Hutchinson. — W. H. W.

was doubtless acquired through him, although there is no record of the early accessions to this library.

From the fact that eight out of the eleven manuscripts were printed by Gov. Hutchinson, it must be conceded that he probably used this volume. It seems strange that he did not recognize the value of this copy of the *Body of Liberties*, and that he should have assigned any hand in the compilation to Rev. John Cotton. In his note to his reprint of Cotton's book, Hutchinson writes:—

“It should rather be entitled *An Abstract of a Code or System of Laws prepared for the Commonwealth of the Massachusetts Bay*; for although when they compiled their laws, they made this abstract their plan in general, yet they departed from it in many instances, and in some which were very material.” Again, Hutchinson writes (*Hist.*, i. 442), “In the first draught of the laws by Mr. Cotton, which I have seen corrected with Mr. Winthrop's hand, divers other offences were made capital, viz. —” (Here he cites Nos. X., XIII., XVIII., XIX., XX., XXI., of Chapter VII. of Cotton's book) — “The punishment by death is erased from all these offences by Mr. Winthrop, and they are left to the discretion of the court to inflict other punishment short of death.”

This statement occurs in the fifth chapter of Hutchinson's *History*, wherein he is explaining “*The System or Body of Laws established in the Colony.*” He adds (*Hist.*, i. 437): —

“In the year 1634 the plantation was greatly increased, settlements were extended more than 30 miles from the capital town, and it was thought high time to have known established laws, that the inhabitants might no longer be subject to the varying uncertain judgments which otherwise would be made concerning their actions. The ministers, and some of the principal laymen, were consulted with, about a body of laws suited to the circumstances of the colony civil and religious. Committees, consisting of magistrates and elders, were appointed almost every year, for 12 or 14 years together, and whilst they were thus fitting a code, particular laws, which were of greatest necessity, from time to time were enacted; and in the year 1648 the whole collected together were ratified by the court and then first printed. Mr. Bellingham of the magistrates, and Mr. Cotton of the clergy had the greatest share in this work.”

In reply to these general remarks by Hutchinson, I would urge the fact that he seems never to have used, even if he possessed, a copy of the printed laws of 1660 or of 1649. As will be noted he says the laws were first printed in 1648; but the title of the edition of 1660 says that they were published in the General Court held in May, 1649, and this seems to be the true date. Now, the volume owned by Elisha Hutchinson not only contains merely the

edition of 1672, but the manuscript references made in his copy of the Body of Liberties refer entirely to this later edition. It is reasonable to suppose that if Elisha Hutchinson had possessed a copy of the earlier editions, the text of which more nearly conformed to the Liberties, he would have cited one of them.

It does not seem necessary to reprint John Cotton's book, as it has been so often republished. It is to be noted that its first publication, in 1641, was anonymously, in London. The title is, "An Abstract of the Lawes of New England, as they are now established. London, Printed for F. Coules and W. Ley at Pauls Chain, 1641." Pp. 1-15 and two pages of the Table. Any one sending this book to the press from Boston, would have known that there was no colony named New England. These laws at most could only relate to the colony of Massachusetts Bay. It was doubtless the work of some English friend of Cotton's, who had a copy of his manuscript, and who, hearing that a code of laws had been established, jumped to the conclusion that this was the one.

But in 1655 William Aspinwall, who had lived here and in Rhode Island, reprinted Cotton's book in London, increasing the bulk by printing at length the citations from the Bible and even adding some that were lacking. A full comparison of the two editions is given in the reprint of Hutchinson's Collection of Papers by the Prince Society of Boston, 1865, i. 181-205.

In his preface, Aspinwall makes the following plain disclaimers of any idea that Cotton's work ever became law. He says these laws were

"Accommodated to the Colonie of the Massachusetts in New England, and commended to the General Court there, which had they then had the heart to have received, it might have been better both with them there, and us here, than it now is. . . . These are not properly Laws, but prudential⁷ Rules, which he recommended to that Colonie,

⁷This word "prudential" is one which has had a great significance in our legislation. Liberty 66 says: "The freemen of every township shall have power to make such by-laws and constitutions as may concern the welfare of their town, provided that they be not of a criminal, but only of a *prudential* nature, and that their penalties exceed not twenty shillings for one offence; and that they be not repugnant to the public laws and orders of the country. And if any inhabitant shall neglect or refuse to observe them, they shall have power to levy the appointed penalties by distress."

The foundation of the law, but not the term, is in a vote of the General Court, March 3, 1635-6 (Records, i. 172), where it is ordered that "the freemen of every town, or the major part of them, shall only have power to dispose of their own lands and woods, with all the privileges and appurtenances of the said towns, to grant lots, and make such orders as may concern the well ordering of their own towns, not repugnant to the laws and orders here established by

to be ratified with the common assent of the freemen in each Towne, or by their Representatives in the General Court, as publique Contracts. Which being once made and assented to for their owne convenience, do binde as Covenants do, untill by like publique consent they be abrogated and made voyd. For though the Author attribute the word [Law] unto some of them; yet that it was not his meaning that they should be enacted as Lawes (if you take the word *Law* in a proper sense), appears by his conclusion taken out of *Isa.* 33:22. Hee knew full well that it would be an intrenchment upon the Royall power of Jesus Christ, for them or any other of the somes of Adam to ordain Lawes."

"It is not my purpose to perswade this or any other nation (were they willing to heare) to enact or ratifie these by any power of their own (in a solemn convention of their Representatives) as Laws: Neither do I believe it was the Authors intention so to do, when he drew up this modell. For alas, what energie or vertue can such an act of poore sinfull creatures adde unto the most perfect and wholesome lawes of God? It is enough for us, and indeed it is all that can be done by any people upon earth: 1. To declare by their Representatives, their voluntary subjection unto them, as unto the lawes of the Lord their God. 2. After such professed subjection to fall unto the practice thereof, in the name and strength of Christ their King and Law-giver."

"This Abstract may serve for this use principally (which I conceive was the main scope of that good man, who was the author of it) to shew the com-

the General Court; as also to lay mulets and penalties for the breach of these orders, and to levy and distrain the same, not exceeding the sum of twenty shillings; also to choose their own particular officers, as constables, surveyors for the highways, and the like."

June 14, 1642, the General Court (Records, ii. 6) passed a law for the 'proper training and employment of children, and state "that in every town the chosen men appointed for managing the *prudential affairs* of the same shall henceforth stand charged with the care of the redress of this evil."

Again, Oct. 7, 1646 (Records, ii. 162-163) the Court passed this order: "Whereas there is no order made appointing who shall end causes in towns under the value of 20 shillings, where one only magistrate dwells, and the cause concerns himself, it is therefore hereby ordered, that in such cases the 5 or 7 or more men in every such town, which are selected for *prudential affairs*, shall have power to hear and determine such cases," etc., etc.

Nov. 4, 1646, the General Court (Records, ii. 180) passed certain orders entitled Prudential Laws, though it is not clear that more than the first section was so designated. That one reads: "Every township, or such as are deputed to order the *prudentials* thereof, shall have power to present to the Quarter Court all idle and unprofitable persons, and all children who are not diligently employed by their parents, which Court shall have power to dispose of them, for their own welfare and improvement of the common good."

So again an order of the General Court, May 26, 1647 (Records, ii. 19), declares that "henceforth it shall and may be lawful for the freemen within any of the said towns to make choice of such inhabitants, though non-freemen, who have taken or shall take the oath of fidelity to this government, to be jury men, and to have their vote in the choice of selectmen for town affairs, assessment of rates, and other *prudentials*, proper to the selectment of the several towns."

May 26, 1658 (Records, iv. part 1, pp. 335-336) the Court speaks of two laws in the printed book, title Township, about the right of all Englishmen who have taken the oath of fidelity to be chosen jury men or constables, and to have their vote in the choice of the selectmen for the town affairs, assessments of rates, and other *prudentials* proper to the selectmen of the several towns. These laws are all repeated in the edition of 1660, pp. 75-76.

plete sufficiency of the word of God alone, to direct his people in judgment of all causes, both civil and criminal, as we are wonted to distinguish them. Which being by him done, and with all sweetness and amiableness of spirit tendered, but not accepted, he surceased to press it any further at that season, knowing full well that the Lord's people shall be a willing people in the day of his power. But the truth is, both they and we, and the other Gentile nations, are loth to be persuaded to dwell in the tents of Shem, and to lay aside our old earthly forms of government, to submit to the government of Christ."

It seems, therefore, to be certain that any claim that Cotton prepared the Body of Liberties, rests upon an unauthorized title-page and the vague and unsupported opinions of Gov. Hutchinson. The evidence to the contrary is found in Aspinwall's positive statements above cited, and in the very nature of Cotton's book. It is a treatise in ten chapters, stating powers, duties, rights, and penalties, fortified throughout by references to the Old Testament. The sections are not framed as laws are, and the only wonder is that any one could suppose for a moment that any legislature ever enacted them.

The same words are again used in the edition of Laws in 1672, pp. 147, 148.

Under the new Charter, in the session of 1692-3, chap. 28 (Province Laws, Goodell's edition, i. 66) the freeholders and inhabitants in a town meeting could pass "necessary rules, orders and by-laws for the directing, managing and ordering the *prudential affairs* of such town," with penalties not exceeding twenty shillings, etc., to be approved by the justices in Quarter Sessions. In 1696 (*Ibid.*, i. 218) the clause requiring the consent of the justices was repealed, and an appeal to them was granted to any one punished under such by-laws.

Again, after the establishment of the State, chap. 75 of Acts of 1785 repeated the powers of towns to make "rules, orders and by-laws for the directing, managing and ordering the *prudential affairs* of the town," with penalties not exceeding thirty shillings, and provided the laws are approved by the Court of General Sessions of the Peace in the same county.

The Revised Statutes of 1836, chap. 15, § 13, continues the same words, with twenty dollars penalty, and the approval of the Court of Common Pleas.

The General Statutes of 1860, chap. 18, § 11, retains the phrase, "directing and managing the *prudential affairs*" of the town; as does the Public Statutes of 1882, chap. 27, § 15, which, in defining the powers of towns to pass by-laws, allows them "for directing and managing the *prudential affairs*, preserving the peace and good order, and maintaining the internal police thereof."

I have thus briefly traced this phrase, "*prudential affairs*," from the Body of Liberties in 1641 to the present time, and can only say that the earliest definition is the clearest and best. All matters, not reserved for state jurisdiction, but affecting the welfare of the town in its corporate capacity, and evidently susceptible of proper regulation under the penalty of a moderate fine, have been, and still are, suitable subjects for control in towns by by-laws, and in cities by ordinance. The origin of the term is obscure. One would expect to find it in the contemporary theological literature, but it was certainly not in common use. Perhaps Ward invented it, as his "Cobler" is full of strange words. In 1653 (Records, Vol. iv., part i., p. 145) a matter is said to be "safe and prudential," and there the word is equivalent to "prudent." A similar use of a word is "economy" and "economical." A man is economical, but we speak of political economy, and towns regulate their domestic or internal economy. — W. H. W.

But equally strong evidence remains to show what the Body of Liberties actually contained. The Laws of 1660 as well as those of 1672 contain numerous citations of laws under the date of 1641. These laws, with very few exceptions, are not entered on the Records of the General Court, as passed in that year. Hence these must have been comprehended in some general enactment, to wit, the Body of Liberties. An analysis of these laws is given later on. In the meantime I would cite the following evidence: First, on October 17, 1643 (Records, ii. 48), the General Court declared "that whereas in the Book of Liberties, No. 23, it was ordered none should take above 8.£ per cent., — bills of exchange are excepted." This reference is to our No. 23. Secondly, March 7, 1643-4 (Records, ii. 61), the Governor [Winthrop], Mr. Dudley, and Mr. Hibbens, or any two of them, were made "a committee to consider of the Body of Liberties against the next General Court." Third, the General Court voted May 26, 1647 (Records, ii. 194), "for explanation of the order in the Liberties about 6 days warning to be given to the defendant in every action, &c., it is hereby declared that the day of the summons or attachment served and the day of appearance shall be taken inclusively as part of the six days." Here the reference is to Liberty No. 21, as printed herein, amended in Laws of 1660, p. 4, title Attachments, § 2, line 5, by adding the word "inclusively" after the words "six days." Of course our copy of the Liberties is the earlier form, prior to May, 1647.

Lastly and most conclusive of all, the General Court in 1646 had to consider a Remonstrance and Petition from Robert Child and others who were dissatisfied with the government. The Court empowered Governor Winthrop, Deputy Governor Dudley, Richard Bellingham, and the Auditor General (Lieut. Nathaniel Duncan) to draw up a reply to be forwarded to England by Mr. Winslow. This document is printed in Hutchinson's Collection of papers (Prince Soc. edition, i. 223-247). One of their chief arguments, to prove that the laws here are conformable to those of England, is an elaborate parallel of items printed face to face.

"In this they set forth forty-four fundamental propositions, annexing to each the authorities for it. Six times they refer for authority to their Charter; seven times to custom; eight times to laws of specified dates; once to the Bible; and twenty-seven times to the Liberties, citing each by its appropriate number." — *F. C. Gray*.

Not one of these citations of the Liberties conforms to any item in Cotton's book; but every one of them, by specific number, refers to and agrees with a section of the manuscript copy preserved by Elisha Hutchinson. The separate sections (one or two being cited more than once) are Nos. 1, 2, 3, 10, 14, 17, 18, 29, 31, 36, 37, 42, 48, 53, 59, 63, 65, 81, 82, 94, and 95; in all twenty-one out of one hundred, and scattered from number one to number ninety-five. It is impossible to present stronger evidence that this manuscript copy of the Body of Liberties is identical with the one used by the Committee of the General Court in 1646.

As the original book containing these citations is quite rare, and in order that there may be no question of the identification, the following extracts are given of such paragraphs, as they occur in order, which are said to be taken from the Body of Liberties: —

“ FUNDAMENTALLS OF THE MASSACHUSETTS.

Compared with Magna Charta.

1. All persons orthodoxe in judgment and not scandalous in life may gather into a church estate according to the rules of the gospell of Jesus Christ. Liberty 1.⁸

Such may choose and ordaine their owne officers, and exercise all the Ordinances of Christ, without any injunction in doctrine, worship or discipline. Liberty 2 & 38.⁹

2. No mans life, honor, liberty, wife, children, goods or estate shall be taken away, punished or endamaged, under colour of lawe, or countenance of authoritie, but by an expresse lawe of the general court, or in defect of such lawe, by the word of God &c. Liberty, 1.

Every person within the jurisdiction &c shall enjoy the same justice and lawe &c without partiality or delay. Liberty 2.

All lands and hereditaments shall be free from all fines, forfeitures &c. Liberty 10.

Every man may remove himselfe and his familie &c if there be no legal impediment. Liberty 17.

6. Difficult cases are finally determinable in the court of assistants or in the generall court by appeale or petition, or by reference from the inferiour court. Liberty 31 & 36.

7. Upon unjust suites the plaintiff shall be fined proportionable to his offence. Liberty 37.

No man's goods shall be taken away but by a due course of justice.

⁸This is the clerical error for Item 1 of Liberty 95. — W. H. W.

⁹This is the similar error for Items 2, 3, and 8 of Liberty 95. — W. H. W.

Liberty 1. In criminal causes it shall be at the liberty of the accused partie to be tryed by the bench or by a jury. Liberty 23.¹⁰

Compared with the Common Laws of England.

7. In our own court of judication all causes civill and criminall are determinable, either by the judges and jury, or by the judges alone &c as in England. This is done both by custome and by divers laws established according to our charter, as Liberty 29, &c.

12. In all criminall offences, where the law hath prescribed no certaine penaltie, the judges have power to inflict penalties, according to the rule of God's word. Liberty 1, and by Charter, &c.

15. All publicke charges are defrayed out of the publicke stocke. Custome and Liberty 63.

19. No mans person shall be restrained or imprisoned &c. before the lawe hath sentenced him thereto, if he can put in sufficient baile, &c. except in crimes capitall, &c. Liberty 18.

20. The full age, for passing lands, giving votes, &c. is twenty one yeares. Liberty 53.

21. Married women cannot dispose of any estate, &c. nor can sue or be sued, without the husband. Custome and Liberty 14.

22-1. The eldest some is preferred before the younger in the ancestors inheritance. Liberty 81.

2. Daughters shall inherit as coparceners. Liberty 82.

3. No custome or prescription shall ever prevail &c to maintaine anything morally sinfull. Liberty 65.

4. Civill authority may deale with any church member or officer, in a way of civill justice. Liberty 59.

5. No man shall be twice sentenced by civill justice for the same offence. Liberty 42.

6. No man shall be urged to take any oath or subscribe any articles, covenant, or remonstrance of a publick and civill nature, but such as the generall court hath considered, allowed and required. Liberty 3.

7. Publick records are open to all inhabitants. Liberty 48.

They also cite under the Common Law.

13. Treason, murther, witchcraft, sodomie and other notorious crimes are punished with death: But theft &c is not so punished, because we read otherwise in the scripture. Capitalls &c.

¹⁰ This is the third clerical error; it should be Liberty 29. A comparison with the fragmentary copy contained in Elisha Hutchinson's book shows that the first citation was Libr. 1; the second was "Libr. 3 & 5 in Eccles." meaning of course Liberty 95 concerning Churches; and the third is plainly Libr. 29. Evidently the errors of the text are simply clerical ones, and not citations from any other arrangement of the Liberties. I have put in an Appendix a facsimile of the manuscript copy of this article, as the larger draft, printed by Gov. Hutchinson, seems to be lost. It is complete as far as it goes. — W. H. W.

14. Adultery is punished according to the canon of the spirituall law, viz. the scripture. Capitalls &c.

These two references are plainly to Liberty 94, which is entitled "Capitall Laws."

The absolute certainty of the identification of our manuscript copy being thus shown, it may be well to say a few words about the author or authors of the drafts. Hutchinson says, as before cited, that Mr. Bellingham of the magistrates and Mr. Cotton of the clergy had the greatest share in this work. We have seen that he was wrong as to Cotton; but Bellingham undoubtedly served on nearly all the committees, as did Winthrop and Dudley. Bellingham was bred a lawyer and was Recorder of Boston in Lincolnshire from 1625 to 1633; hence his connection with the compilation of our code is extremely natural and may well have been of considerable influence. It is to be noted that in the controversies between the Assistants and the Deputies he took sides with the latter, and may thus be claimed as likely to favor popular rights in the establishment of this Magna Charta of New England.

But, after all, the contemporary evidence of Governor Winthrop assigns the main work of compiling the code to one man, namely, Rev. Nathaniel Ward, of Ipswich. From an interesting memoir, prepared by a descendant, John Ward Dean, and published at Albany, 1868, we learn that Ward had special qualifications for this work. He was born about A.D. 1578 at Haverhill, England, and was the son of Rev. John Ward, an eminent minister there. He was graduated at Emmanuel College, Cambridge, A.M., in 1603. He studied and practised law, and Candler says that he was at Utter Barrister. He was admitted to Lincoln's Inn, May 15, 1607, and nominated a barrister, 17 Oct. 1615. (*N. E. Hist. and Gen. Register*, vol. 43, p. 326.)

He then travelled on the continent and stayed some time at Heidelberg. He entered the ministry about 1618, and was probably chaplain at Elbing, in Prussia. Returning to England he became rector of Stondon-Massey in Essex, but was suspended by Laud for Puritanism. In 1634 he came to New England, and settled at Ipswich, where he was pastor and Rev. Thomas Parker was teacher. He resigned his charge in about two years, owing to illness. In the winter of 1646-7 he returned to England, leaving his family here; and in June, 1647, he preached before the

House of Commons. In May, 1648, he was appointed minister at Shenfield, about five miles from his former home at Stondon-Massey. Here he ended his days in 1652 or 1653, aged some seventy-five years. He wrote various books,¹¹ of which the most famous was his "Simple Cobler of Agawam," written here and published in London in January, 1646-7. He was a witty as well as an earnest writer; a conservative, and yet forced by events to stand with the Parliament against the King. There is printed in Mass. Soc. Coll. 4th S. vol. vii, pp. 26-27, a letter from Ward to Governor Winthrop, in 1639, concerning the new laws, wherein he doubts the expediency of "sending the Court business to the common consideration of the freemen." He says, "I see the spirits of the people runne high, and what they gett they hould. They may not be denyed their proper and lawfull liberties; but I question whether it be of God to interest the inferiour sort in that which should be reserved *inter optimates penes quos est sancire leges*. If Mr. Lachford have writ them out, I would be glad to peruse one of his copies, if I may receive them. . . . There is a necessity that the Covenant, if it be agreed upon, should be considered and celebrated by the several congregations and towns, and happily the tenure, but I dare not determyne concerning the latter. I mean of putting it to the suffrage of the people."

Without overrating the influence of any one man in the preparation of this admirable code, and believing firmly that it embodied the best judgment of Winthrop and other leaders, there seems to be no reason to doubt that the main literary work, at least, was due to Nathaniel Ward, and that his legal abilities and training were at least equal to those of any of his associates. In his "Simple Cobler" (edit. of 1843, p. 68) he writes, "I have read almost all the Common Law of England, and some Statutes." It may well be that the Common Law of England was the source from which these wise provisions were extracted, for in the Reply of the Colony in 1646, already cited, (*ante*, pp. 16, 17,) our laws are compared only with Magna Charta and the Common Laws of England.

We know of one instance in which a change was made in the first draft. Thomas Lechford, of whom we have before spoken as a copyist employed on the work, has recorded the fact that his remonstrance changed one item. In his "Plain Dealing, or News

¹¹ Among the strange words used by Ward. I note, pudder, exulcerations, colluvies, sedulity, jadish, interturbe, corrive, quidanye, prestigiated, ignotions, mundicidious, dedolent, exadverse, per-peracute, nugiperous, nudinstertian, futilous, perquisquilian, indenominable, precellency, surquedryes, prodromies, digladitions, prosult, bivious, awke; besides many, almost innumerable, oddities of combination. — W. W. II.

from New England," London, 1642 (Trumbull's edition, Boston, 1867, pp. 72-74), he prints a paper delivered by him to the Governor, etc., March 4, 1639-40. We cite as follows:—

Whereas you have been pleased to cause me to transcribe certain Breviats of Propositions delivered to the generall Court, for the establishing a body of Lawes, as is intended, for the glory of God, and the welfare of this People and Country; and published the same, to the intent that any man may acquaint you or the Deputies for the next Court, what he conceives fit to be altered or added, in or unto the said lawes; I conceive it to be my duty to give you timely notice of some things of great moment, about the same Lawes, in discharge of my conscience, which I shall, as *Amicus curiæ*, pray you to present with all faithfulness, as is proposed, to the next generall Court, by it, and the reverend Elders, to be further considered of, as followeth:—

1. It is propounded to be one chiefe part of the charge, or office of the Councell intended, to take care that the *conversion* of the *Natives* be endeavoured.

2. It is proposed, as a liberty, that a convenient number of Orthodox Christians, allowed to plant together in this Jurisdiction, may gather themselves into a Church, and elect and ordaine their Officers, men fit for their places, giving notice to seven of the next Churches, one month before thereof, and of their names, and that they may exercise all the ordinances of God according to his Word, and so they proceede according to the rule of God, and shall not be hindered by any Civill power: nor will this Court allow of any Church otherwise gathered.

This clause (*nor will the Court allow of any Church otherwise gathered*) doth as I conceive contradict the first proposition.

He then argues, briefly but clearly, that to convert the Indians they must send evangelists, and that the converts must be gathered into churches. But these churches are not made up, as the law requires, of "a convenient number of orthodox Christians," planting together and gathering themselves into a church; and therefore are prohibited from any recognition under the law. The point seems sound, though very small; and the remonstrance apparently had its effect. The law of March 3, 1635-6 (Records, i, 168), said "it is ordered that all persons are to take notice that this Court doth not, nor will hereafter, approve of any such companies of men as shall henceforth join in any pretended way of church fellowship, without they shall first acquaint the magistrates and the elders of the greater part of the churches in their jurisdiction, with their intentions, and have their approbation herein." Liberty 95, § 1, as enacted, allows that "All the people of God within this jurisdiction who are not in a church way, and be orthodox in judgment,

and not scandalous in life, shall have full liberty to gather themselves into a Church estate: provided they do it in a Christian way, with due observance of the rules of Christ revealed in his word."

We see from Lechford's report, the rough draft of a law which was proposed, and in the published Liberty we see the amended statute. How many other cases there were is necessarily unknown. But in this example two things are noteworthy. First, Lechford himself was not a favorite with those in authority. He differed on various topics, he argued with the magistrates and the clergy. He was silenced by order of the rulers, and he was finally starved into returning to England. Yet his comments seem to have been fairly considered, and being found valid, they influenced the form of the law as passed. Secondly, it seems very strange that he, one of the few lawyers in the colony, should have found nothing else to which to object, in view of the great amount of legislation thus put into force, for which the English statutes gave no precedent.

The Body of Liberties as established in 1641 can be traced with only trifling changes in the edition of Laws of 1660. It is not cited in that book by that name, but as nearly all of the sections have the date of their enactment appended, we can easily trace the laws assigned to 1641.

The following table and notes will enable the reader to see that the legislation of 1641, so incorporated into the collected Laws of 1660, is not to be found on the records of the Legislature. It must, therefore, be sought in some other collective body of enactments of that date, and we have already seen that such was the Body of Liberties.

Laws dated 1641.

Acts of 1660.	Acts of 1672.	Title.	Body of Liberties. Number.
P. 1	P. 1	Preamble.	Preamble.
1	1	Ability, Age.	11, 53.
2	3	Actions, § 7, 8.	22, 28, 37.
2	3	Appeal. ¹²	36.
3	4	Appearance.	4.

¹² This law is cited as 1642 in both editions of the Laws; but Hutchinson notes that it was founded on Liberty No. 36. — W. H. W.

Laws dated 1641. — Continued.

Acts of 1660.	Acts of 1672.	Title.	Body of Liberties. Number.
P. 4	P. 6	Arrests.	33.
4	8	Attachments, § 1, 2.	39, 21, 25.
5	9	Barratry.	34.
5	9	Benevolences.	See Notes, 1.
5	10	Bond-slavery.	91.
6	10	Bounds of Towns.	See Notes, 2.
8	14, 15	Capital Laws. ¹³	94.
10	17	Cask, Cooper.	See Notes, 3.
11	18	Cattle, § 3. ¹⁴	24.
14	22	Charges, Public.	63.
15	25	“ § 3. ¹⁵	13.
17	28	Children and Youth, §§ 5 and 6.	83, 84.
18	29	Clerk of the Writs.	See Notes, 4.
19	30	Condemned.	44.

¹³ The Capital Laws as printed in 1660 are those contained in Liberty 94, for the first twelve laws, with slight changes in Nos. 3 and 4. The General Court, June 14, 1642 (Records, ii, 22), added three more capital crimes, viz.: criminal connection with a child under ten years of age, ravishing a married woman or betrothed maid, or ravishing a single woman aged over ten years. It was also ordered that all these capital laws be printed. Accordingly, in Major John Child's book, printed in London in 1647, entitled "New England's Jonas cast up at London," etc. (Marvin's edition, Boston, 1869), will be found a reprint of these fifteen Capital Laws, arranged somewhat differently in order. Nos. 3 and 4 are, however, the same as in the Body of Liberties.

But the General Court on November 4, 1646 (Records, ii, 177), passed a preamble and law about Blasphemy, which superseded Law No. 3 of the Liberties, and is the form followed in the Revision of 1660. At the same time (Records, ii, 179) they passed the two capital laws against wicked children, which are Nos. 13 and 14 in the Laws of 1660; and also (Records, ii, 182) the section punishing those accused of capital crimes who did not stand a trial.

The Laws of 1660 contain but one section about Rape, thereby ignoring two of the laws passed, as we have seen, in 1642. These punished fornication with a female child under ten years of age, and ravishing a married woman or a betrothed maid. The citation for this section is 1649, but I fail to find any express legislation on that subject in that year. I am therefore inclined to believe that the change was made in the revision of 1649, under the powers given the revisers.

It is evident that the revision was not satisfactory, for the General Court, Oct. 12, 1669, on a flagrant case, finding that there was then no law, re-enacted (Records, vol. iv, part ii, pp. 437-8) the punishment for abusing a child under ten years, as death. Laws of 1672, p. 15, § 17.

Still there seems to have been no punishment provided for ravishing a married woman. Under the New Charter (Goodell's Province Laws, i, 56), an Act was passed defining capital crimes, including ravishing *any* woman. It was passed in 1693, but disallowed by the Crown. In 1697 (Ibid., i, 296) an Act was passed punishing the rape of *any* woman or the abuse of a woman child under ten years of age. — W. H. W.

¹⁴ Cited as 1646, but referred by Hutchinson to this Liberty. — W. H. W.

¹⁵ This law is dated 1646, 47, 51, 57; but Hutchinson notes that the last paragraph of § 3 is based on Liberty No. 13. — W. H. W.

Laws dated 1641. — Continued.

Acts of 1660.	Acts of 1672.	Title.	Body of Liberties. Number.
P. 20	P. 32	Conveyance, § 3.	40, 15.
21	33	do § 4.	See Notes, 5.
22	35	Courts, § 4.	72, 73.
23	“	do § 6.	69, 71.
“	36	do § 6.	19, 20.
24	38	do § 10.	41.
“	“	do § 12.	See Notes, 6.
24	39	Cruelty.	92.
25	39	Death untimely.	57.
25	41	Deputies, § 2.	62, 68.
26	41	Distress.	35.
26	42	Dowries.	See Notes, 7.
26	43	Drovers. ¹⁶	93.
27	“	Ecclesiastical, § 3-12.	95, §§ 1-10, 58, 59, 60. [§ 2 is new, and the numeration is thereby changed.]
29	48	Elections, § 4.	67.
30	49	Farms.	See Notes, 8.
31	50	Ferries.	See Notes, 9.
40	73	Impresses.	5, 6, 7, 8.
40	74	Imprisonment.	18.
43	77	Indians.	See Notes, 10.
47	86, 87	Jurors, § 1, 2, 3, 5.	50, 61, 31, 76, 49.
48	88	Lands, Free.	10.
50	90, 91	Liberties, Common.	12, 16, 17.
51	101	Marriage, &c.	80.
54	105	Masters & Servants, § 6, 7, 8, 9.	85, 86, 87, 88.

¹⁶ It is worth while to note that in Liberty 93, the word “lambe” is used, and in the Laws of 1660, the word is “lame.”—W. H. W.

Laws dated 1641. — Concluded.

Acts of 1660.	Acts of 1672.	Title.	Body of Liberties. Number.
P. 61	P. 116	Mines.	See Notes, 11.
62	119	Monopolies.	9.
62	119	Oaths. ¹⁷	3.
66	126	Prescriptions.	65.
67	128, 129	Protests.	75.
67	129	Punishment, Torture. ¹⁸	42, 43, 45, 46.
68	129-131	Records, &c., § 1, 3.	64, 38, 48.
69	132	Replevin.	32.
72	139	Ships, § 1.	See Notes, 12.
73	143	Strangers.	2, 89.
75	147, 148	Township. ¹⁹	56, 66, 74.
76	150	Treasurer. ²⁰	78.
77	152	Trials.	29, 30, 52.
78	153	Usury.	23.
78	153	Votes. ²¹	54, 70, 77.
81	158	Wills.	81, 82.
81	158	Witnesses.	47.
83	161	Wrecks.	90.

¹⁷ By Hutchinson wrongly marked as p. 219. — W. H. W.

¹⁸ This chapter is undated in the Laws, but Hutchinson refers it to Liberties 42, 43, 45 and 46. — W. H. W.

¹⁹ This chapter is dated 1630, 1642, 47, 53, 58; yet there are three sections taken from the Body of Liberties. The omission of 1641 is clearly a clerical error. — W. H. W.

²⁰ This chapter has no citation in the Laws under date of 1641, but Hutchinson rightly assigns part of it to Liberty 78. — W. H. W.

²¹ This is erroneously dated 1651, yet Hutchinson properly refers it to Liberties nos. 54, 70, and 77. — W. H. W.

The following explanatory notes will, perhaps, make the matter plainer: —

First. Laws of 1660, p. 5, Title "Benevolence." This law is dated 1641, but is not in the Body of Liberties. It was passed June 2, 1641 (Records, i, 327), and therefore probably after the Body of Liberties had been compiled.

Second. Edition of 1660, p. 6, Title "Bounds of Towns." Citation 1641, though in the edition of 1672 cited as 1651. A short law was passed June 2, 1641 (Records, i, 319), but the main part of this act was passed Nov. 11, 1647 (Records, ii, 210).

Third. Laws of 1660, p. 9-10, Title "Cask & Cooper." The laws are dated 1641, 1647, 1651, 1652. I find no law on the subject in 1641, but there was one passed Sept. 27, 1642 (Records, ii, 29), the terms of which are incorporated in the Laws of 1660. Evidently the date is a misprint, by no means the only one.

Fourth. Laws of 1660, p. 18, Title "Clerk of the Writs." This law was passed Dec. 10, 1641 (Records, i, 345), and, of course, after the Body of Liberties was already in form.

Fifth. Laws of 1660, p. 20-21, Title "Conveyances," &c. § 4 is assigned to 1641 and 1642. This law was passed October 7, 1640, and this date is incorporated into the law as printed. Evidently 1641 is a misprint for 1640.

Sixth. Laws of 1660, p. 24, Title "Courts," § 12. This is a law that "every Court in this jurisdiction where two magistrates are present, may admit any church members that are fit, to be freemen; giving them the oath: and the Clerk of each Court shall certify their names to the Secretary at the next General Court." 1641.

This date of 1641 is clearly a misprint. May 20, 1642 (Rec. vol. ii, pp. 2-3 of the second edition only) the following order was passed: "There is power given to every Court within our jurisdiction, that hath two magistrates, to admit any church members that are fit to be free, and to give them the freeman's oath, and to certify their names to the Secretary at the next General Court." May 10, 1643 (Records, ii, 38), it was ordered "concerning members that refuse to take their freedom, the churches should be writ unto, to deal with them." In the list of Freemen (Records, ii, 291) all seem to have been made free in May of the respective years, except a few at Salem in Dec., 1642, and February, 1642-3, and some at Springfield, in April, 1648. As to these last, it was ordered Nov. 11, 1647 (Records, ii, 224) that "Mr. Pinchin is authorised to make freemen in the town of Springfield, of those that are in covenant and live according to their profession."

Again, Nov. 11, 1647 (Records, ii, 208), it was voted that "there being in this jurisdiction many members of churches, who to exempt themselves from all public service in the commonwealth, will not come in to be made freemen," it is ordered that they be not exempt from serving in town offices, if elected.

June 19, 1650 (Records, iv, pt. 1, p. 19), Robert Clements, at the re-

quest of the town of Haverhill, was empowered to give the oath of fidelity. In 1653 (*Ibid.*, p. 127, 129) special commissioners were sent to establish jurisdiction at Kittery and at Saco, and they admitted freemen there. Other special cases may be found on the records.

May 31, 1660 (Records, iv, pt. 1, p. 420) the General Court declared "that no man whatsoever shall be admitted to the freedom of this body politic, but such as are members of some church of Christ, and in full communion; which they declare to be the true intent of the ancient law, page the 8th of the second book, anno g^r 1631."

June 28, 1662, Charles II. sent a letter to the Colony ordering the redress of grievances. It is printed in Hutchinson's Collections, Prince Soc. edit. ii, 100-104. He especially ordered a change in the law concerning freemen. Accordingly on Aug. 3, 1664 (Records, iv, part ii, p. 117), the General Court declared, "that the law prohibiting all persons except members of churches, *and also that for allowance of them in any County Courts*, are hereby repealed."

See my preface for an explanation of the differences between the two editions of the printed Records.

Seventh. In the edition of 1672, p. 42, Title "Dowries," the date is given as 1641. But in the laws of 1660 it is dated 1647, which is somewhat confusing. The reference to 1641 may refer to Liberty No. 79; but it looks more like a misprint. The records do not contain any law of 1647, but May 2, 1649 (Records, ii, 281), reference is made to "the printed law concerning dowries," and amends it by striking out the clause giving the widow "a third part of her husband's money, goods, and chattels, real and personal;" and also by ordering in the 14th line of said order the insertion of the words "then by act or consent of such wife."

Both these changes are incorporated in the text in 1660, and the proviso is made that the law shall not affect houses, lands, etc., sold before the last of November, 1647. Hence, it would seem that there was a law passed and printed in that year, though not entered in the legislative records.

Eighth. Laws of 1660, p. 30, Title "Farms." The order that all farms in a town shall belong therein, except Medford, is dated 1641, and is not in the Liberties. It was passed June 2, 1641 (Records, i, 331), and may have been too late for insertion, or, more probably, was not of a nature to be placed there.

Ninth. Laws of 1660, p. 31, Title "Ferries." Reference is made to law of 1641. Much of § 1 will be found in orders passed

Oct. 7, 1641 (Records, i, 338, 341), explaining this reference. But the law is not in the Body of Liberties for the reasons given in the preceding example.

Tenth. Laws of 1660, p. 43, Title "Indians." At the end of section 10, the citation is 1633, 37, 40, 41, etc. I find nothing passed in 1641 relating to this section; but § 7, cited as passed in 1640, 48, in the last clause does contain a law passed June 2, 1641 (Records, i, 329), that if harm be done by the Indians to the English in their cattle any three magistrates may order satisfaction. Hence I infer the general citations under section 10 cover all the preceding sections, and this is the law of 1641, which is not in the Body of Liberties.

Eleventh. Laws of 1660, p. 61, Title "Mines." Citation of law of 1641, which is not in Body of Liberties. The law was passed June 2, 1641 (Records, i, 327).

Twelfth. Laws of 1660, Title "Ships," p. 72, citation of 1641. The law was passed Oct. 7, 1641 (Records, i, 337-338).

It will be noted that of these twelve laws dated in 1641, and not in the Body of Liberties, Numbers 1, 2, 8, 10 and 11 were passed in June, 1641, Nos. 9 and 12 in October, 1641, and No. 4 in December, 1641. These were all passed too late to be placed in that document. Nos. 3, 5, 6, and 7 are wrongly dated.

The result, however, is to show that nearly all of the acts ascribed to the year 1641 in the late revisions are simply sections of the Body of Liberties.

One other point remains to be considered. A few of the Liberties were not incorporated into the Statutes in 1660, and are not checked by E. Hutchinson on the margin of his manuscript. These are numbered 14, 26, 27, 51, 55, 79, and 95, § 11.

No. 14 is to the effect that a conveyance made by a married woman, a child, an idiot, or distracted person shall be good, if ratified by the General Court.

This may have been dropped on consideration as contrary to English law at that time.

No. 26 empowered any man unable to plead his own case to have any unpaid attorney. The prohibition to employ a paid lawyer was in force in 1641, as Winthrop records (*History*, ii, p. 43). May 2, 1649 (*Records* ii, 279), it is ordered that appeals shall be made by the party, or his attorney, in writing. Also, it was ordered that after one month's publication hereof, no one should ask council or advice of any magistrate in regard to a case to be tried. We may infer from these two citations that the necessity of paid attorneys had become so evident that this Liberty was quietly dropped.

No. 27 relates to the defendant's right to answer in writing if the plaintiff put in his case in that form.

No. 51 provides that associates to aid the assistants in the Inferior Courts shall be chosen by the towns.

No. 55 provides and gives the widest liberty to both plaintiffs and defendants in making claims and pleas.

These details in regard to the courts were naturally modified from time to time, between 1641 and 1660, as the records show. There seems to have been a great amount of experimenting in arranging the inferior courts, and hence we cannot find the exact equivalents of these Liberties, though they were preserved in spirit.

No. 79 provides that if a man did not provide for his widow out of his estate, the General Court should relieve her. This idea is carried out in the law of Dowries, as printed in 1660, to which reference has already been made. See also *Wills*, § 3.

It is evident, therefore, that the Body of Liberties was virtually incorporated into the earliest system of laws, and that no part of it was found to be superfluous. Both in regard to its extent and its phraseology it is a noble monument to the compilers, and to the community which so promptly accepted it. In its present form it will be easily examined, and the most thorough study will confirm the impression of its importance in any investigation of the growth of the Commonwealth, through original processes worked out on the spot, from a trading company to a free state, the parent and exemplar of so many later communities. —W. II. W.

THE BODY OF LIBERTIES.

1641.

IN FAC-SIMILE FROM THE HUTCHINSON MANUSCRIPT, WITH A
LINE-FOR-LINE PRINTED VERSION.

TABLE OF CONTENTS.¹

PREAMBLE:	Liberty
1. Persons and property inviolable except by law. 2. Equal justice to all. 3. The Legislature alone to impose oaths. 4. Unavoidable absences not punishable. 5. Public service required only by law. 6. Exemptions from public service. 7. Limit of military service. 8. Property taken for public use to be paid for. 9. Monopolies forbidden but patents allowed. 10. Fines on alienations, heriots, &c., forbidden. 11. Wills and alienations allowed. 12. Freedom of speech and action in public meetings permitted. 13. Property abroad not taxable here. 14. Conveyances by married women, children, or insane persons legalized by the Legislature. 15. Fraudulent deeds invalid against just claims. 16. Free fishing and fowling defined. 17. Free emigration allowed. 18. Provision made for bail. 19. Assistants punished for misconduct. 20. Judges punished for misconduct. 21. Summons served not over six days before the Court, and the cause to be specified therein. 22. False claims to excessive debts or damages punishable. 23. Legal rate of interest fixed at 8% per annum. 24. Contributory negligence a good defence. 25. Technical errors not allowed if the Court understand the person and the cause. 26. Unpaid attorneys allowed. 27. Written pleas and answers permitted. 28. Suits may be discontinued before a verdict and renewed in another court. 29. Trials may be either by the bench or by a jury. 30. Jurors may be challenged. 31. Special verdict allowed, and appeals to the Legislature. 32. Cattle or goods may be replevined. 33. Imprisonment for debt regulated. 34. Common barrators punished.	35. Distress of perishable goods regulated. 36. Appeals from inferior courts provided. 37. Malicious suits punished. 38. Evidence to be recorded on court rolls. 39. Courts may respite executions in all actions. 40. Deeds or promises given under duress are invalid. 41. Persons accused of crime shall be tried at the next Court. 42. No one shall be tried twice for the same offence. 43. Punishment by whipping regulated. 44. Time for executing criminals regulated. 45. Torture forbidden. 46. Barbarous or cruel punishments forbidden. 47. Death indicted only on the evidence of two of three witnesses, or the equivalent. 48. Public records open to inspection. 49. Jury service regulated. 50. Towns to choose jurymen. 51. Towns to elect associates in inferior courts. 52. Children, strangers, and others to be protected in all suits. 53. Age of discretion fixed at twenty-one. 54. Powers and duties of moderators defined. 55. The fullest liberty allowed in pleas and answers. 56. Town-meetings protected from disturbance. 57. Inquests in case of sudden deaths. 58. Church regulations may be enforced by civil courts. 59. Church officers and members amenable to civil law. 60. Church censure inoperative upon civil officers. 61. Silence on conscientious grounds allowable. 62. Qualifications of deputies to the Legislature. 63. The expenses of certain officials to be a public charge. 64. Court records to be fully kept by the clerk. 65. The Word of God to overrule any custom or prescription. 66. Freemen in each town to manage their prudential affairs.

¹ This Table is put in modern form, and the term Legislature is used for the General Court. W. H. W.

<p>Liberty 67. The chief officers to be elected annually by the freemen, and may be discharged for cause at other meetings of the General Court.</p> <p>68. Deputies need not reside in the towns choosing them. The number of deputies to be fixed only from year to year.</p> <p>69. Consent of a majority required to dissolve or adjourn the Legislature.</p> <p>70. Freedom of speech and vote ordained.</p> <p>71. Casting-vote allowed to presiding officers.</p> <p>72. Reprieves and pardons regulated.</p> <p>73. Messengers may be sent abroad on public affairs.</p> <p>74. Selectmen allowed.</p> <p>75. Protests in all meetings shall be allowed and recorded.</p> <p>76. Jurors may consult bystanders in open court.</p> <p>77. Voting not compulsory.</p> <p>78. Public money to be spent only with the consent of the tax-payers.</p> <p>79. Provision for widows in case of intestacy.</p>	<p>Liberty 80. Wives not subject to conjugal correction.</p> <p>81. Gayekind regulated.</p> <p>82. Daughters as copartners.</p> <p>83. Appeal from parental tyranny.</p> <p>84. Protection for orphans.</p> <p>85. Runaway servants protected.</p> <p>86. Transfers of indentures of servants.</p> <p>87. Servants recompensed for bodily injuries.</p> <p>88. Servants to be rewarded.</p> <p>89. Christian immigrants welcome.</p> <p>90. Shipwrecked vessels to be assisted.</p> <p>91. Slavery prohibited.</p> <p>92. Cruelty to animals forbidden.</p> <p>93. Travelling drovers assisted.</p> <p>94. Death penalty for certain crimes.</p> <p>95. Relations between church and civil authority defined.</p> <p>96. These Liberties to have the force of law.</p> <p>97. Suits allowed to give effect to these Liberties.</p> <p>98. Liberties to be revised annually for three years.</p> <p>Penalty if the Legislature in the next three years neglect Liberty 98.</p>
--	---

27
 A Copie of y^e Liberties of y^e Massachusetts Colonic
 in New England

The free fruition of such liberties, priviledges & immunities, as p^rovoked ought
 as humane, Civill, & Christianitie, & as due to every
 man in his place & proportion; so that the p^revailing of y^e same
 shall never be y^e cause of any disturbance, or of any
 breach of the peace, or of any other such thing, as
 is contrary to the peace, or to the tranquillitie, or to the
 safety, or to the common wealth. And y^e Deniall, or
 deprivation thereof, shall be y^e cause of
 y^e same, if not y^e cause of both.

And should it therefore be y^e duty & safetie whilste we are about the
 further establishing of this Governement to collect & exp^ress all
 such priviledges, as for y^e present we forsee may concern us, & also
 y^e same to ratify them in y^e one & same consent.

We doe therefore this day religiously & unanimously decree
 & confirme these following priviledges, liberties, & immunities, con-
 cerning Churches, & Civill estate to be respectively impar-
 tially & inviolably enjoyed & observed through out y^e jurisdiction
 for ever.

- 1 No mans life shall be taken away, no mans honour or good name
 shall be stayned, no mans y^e shall be arrested, restrained, ban-
 ished, dismembred, nor any wayes punished, no man shall be
 depriv'd of his wife or children, no mans goods or estate
 shall be taken away from him, nor any waye damaged und^r
 colour of law, or Countenance of Authoritie, unless it be by
 vertue or equitie of some exp^ress law of y^e Countrey lawfully
 made, & established by a generall Court & sufficiently published,
 or in case of y^e defect of alaso many y^e trouble take by y^e word of
 god. And in Capitall cases, or in cases concerning dismembred
 banishment, according to y^e word to be iudged by y^e generall Court.
- 2 Every y^e wh^o in this jurisdiction, whether Inhabitant or forreiner
 shall enjoy y^e same justice & law, y^e is generall for y^e plantation,
 wh^o ever constitute & execute one towards another, wh^o out parti-
 alitie or delaye.
- 3 No man shall be voyed to take any oath or subscribe any articles,
 oaths, or remonstrance, of a publique & Civill nature, but such
 as y^e generall Court hath considered, allowed, & required.
- 4 No man shall be punished for not appearing at or before any
 Civill assembly, Court, Councell, Magistrate, or officer, nor for the
 omission of any office or service, if he shall be necessarily
 hindered, by any apparent Act or providence of god, wh^o he shall
 neither foresee nor avoid, Provided y^e this law shall not pre-
 judice any y^e of his just cost or damage in any Civill actions.
- 5 No man shall be compelled to any publique works or service
 unless y^e y^e be grounded upon some Act of y^e generall
 Court, & have reasonable allowance therefor.

6. No man

A COPPIE OF THE LIBERTIES OF THE MASSACHUSETTS COLONIE
IN NEW ENGLAND.

The free fruition of such liberties Immunities and priveledges as humanitie, Civilitie, and Christianitie call for as due to every man in his place and proportion without impeachment and Infringement hath ever bene and ever will be the tranquillitie and Stabilitie of Churches and Commonwealths. And the deniall or deprivall thereof, the disturbance if not the ruine of both.

We hould it therefore our dutie and safetic whilst we are about the further establishing of this Government to collect and expresse all such freedoms as for present we foresee may concerne us, and our posteritie after us, And to ratify them with our sollemne consent.

We doe therefore this day religiously and unanimously decree and confirme these following Rites, liberties and priveledges concerning our Churches, and Civill State to be respectively impartiallie and inviolably enjoyed and observed throughout our Jurisdiction for ever.

- 1 No mans life shall be taken away, no mans honour or good name shall be stayned, no mans person shall be arested, restrayned, banished, dismembred, nor any wayes punished, no man shall be deprived of his wife or children, no mans goods or estaite shall be taken away from him, nor any way indammaged under coulor of law or Countenance of Authoritie, unlesse it be by vertue or equitie of some expresse law of the Country waranting the same, established by a generall Court and sufficiently published, or in case of the defect of a law in any parteuler case by the word of god. And in Capitall cases, or in cases concerning dismembriug or banishment, according to that word to be judged by the Generall Court. pag. 1.
 - 2 Every person within this Jurisdiction, whether Inhabitant or forreiner shall enjoy the same justice and law, that is generall for the plantation, which we constitute and execute one towards another without partialitie or delay. pag. 143.
 - 3 No man shall be urged to take any oath or subscribe any articles, covenants or remonstrance, of a publique and Civill nature, but such as the Generall Court hath considered, allowed, and required. pag. 219
 - 4 No man shall be punished for not appearing at or before any Civill Assembly, Court, Councell, Magi-trate, or Officer, nor for the omission of any office or service, if he shall be necessarily hindred by any apparent Act or providence of God, which he could neither foresee nor avoid. Provided that this law shall not prejudice any person of his just cost or damage, in any civill action. pag. 4.
 - 5 No man shall be compelled to any publique worke or service unlesse the presse be groundd upon some act of the generall Court, and have reasonable allowance therefore. pag. 73.
sect. 2.
6. No man

- 6 No man shall be pressed in p^{er}son to any office, warre, or other publique service, & is necessarily & sufficiently exempted by any naturall or p^{er}sonall impediment, as by want of graces, greatnes of age, defect of minde, jagling of senses, or impotencie of limbes. page 72
- 7 No man shall be compelled to goe out of y^e limits of this plantation vpon any offensive warre ^{to this Comon wealth} or any of o^{ur} friends or confederats shall voluntarily vndertake, But onely vpon such vindictive & defenfive warres in o^{ur} owne behalfe, or y^e behalfe of o^{ur} friends, & confederats as shall be enterprized by y^e Counsell and consent of a Court generall, or by duthority derived from y^e same. page 73
- 8 No mans Cattle or goods of what kinde so ever shall be pressed or taken for any publique vse or service, unless it be by warrant grounded vpon some act of a generall Court, nor without such reasonable prices & hire as y^e ordinarie rates of y^e Countrey do afford. And if his Cattle or goods shall mish or suffer damage in such service y^e owner shall be sufficiently recompensed page 73
- 9 No monopolies shall be granted or allowed amongst vs, but of such new Inventions & are profitable to y^e Countrey, & y^e for a short time. page 79
- 10 All o^{ur} lands & heritages shall be free from all fines & licences upon Alienations, & from all harlots, wardships, Curries, Primities, yearre day & wast, Escheates, & forfeitures, vpon y^e death of parents, or Ancestors, be they naturall, usuall, or Judiciall. page 8
- 11 All p^{er}sons w^h are of y^e age of 21 yeares, & of right vnderstanding & memory, whethoe excommunicate or condemned shall have full powre & libertie to make thore wills & testaments, & thore lawfull alienations of thore lands & estates. page 1
- 12 Every man whether Inhabitant or Forreiner, free or not free shall have libertie to come to any publique Court, Counsell, or Court meeting, & either by speech or writing to moue any lawfull, reasonable, & materiall question, or to present any necessary motion, complaint, petition, Bill, or information, whereof y^e meeting hath proper cognizance, so it be done in convenient time, due order, & respectiue manner. page 9
- No man shall be rated here for any estate or revenue he hath in England or in any forreine partes till it be transported hither. page 75
- Any Conuoyance or Alienation of land or other estate what so ever, made by any woman & is married, any childe vnder age, Idott, or demented p^{er}son, shall be good, if it be passed & ratified by y^e consent of a generall Court.

- 6 No man shall be pressed in person to any office, worke, warres or other publique service, that is necessarily and suittiently exempted by any naturall or personall impediment, as by want of yeares, greatnes of age, defect of minde, fayling of sences, or impotencie of Lymbes. pag. 73.
sect. 2
-
- 7 No man shall be compelled to goe out of the limits of this plantation upon any offensive warres which this Commonwealth or any of our freinds or confederats shall volentarily undertake. But onely upon such vindictive and defensive warres in our owne behalfe or the behalfe of our freinds and confederats as shall be enterprized by the Counsell and consent of a Court generall, or by Authority derived from the same. pag. 73.
-
- 8 No mans Cattel or goods of what kinde soever shall be pressed or taken for any publique use or service, unlesse it be by warrant grounded upon some act of the generall Court, nor without such reasonable prices and hire as the ordinarie rates of the Countrie do afford. And if his Cattle or goods shall perish or suffer damage in such service, the owner shall be suittiently recompenced. pag. 73.
-
- 9 No monopolies shall be granted or allowed amongst us, but of such new Inventions that are profitable to the Countrie, and that for a short time. pag. 119
-
- 10 All our lands and heritages shall be free from all fines and licences upon Alienations, and from all harrlots, wardships, Liveries, Primerseisins, yeare day and wast, Escheates, and forfeitures, upon the deaths of parents or Ancestors, be they naturall, casuall or Juditiiall. pag. 88.
-
- 11 All persons which are of the age of 21 yeares, and of right understanding and meamories, whether excommunicate or condemned shall have full power and libertie to make there wills and testaments, and other lawfull alienations of their lands and estates. pag. 1.
-
- 12 Every man whether Inhabitant or forreiner, free or not free shall have libertie to come to any publique Court, Councel, or Towne meeting, and either by speech or writeing to move any lawfull, seasonable, and materiall question, or to present any necessary motion, complaint, petition, Bill or information, whereof that meeting hath proper cognizance, so it be done in convenient time, due order, and respective manner. pag. 90.
-
- 13 No man shall be rated here for any estaite or revenue he hath in England, or in any forreine partes till it be transported hither. pag. 25
sect. 2.
-
- 14 Any Conveyance or Alienation of land or other estaite what so ever, made by any woman that is married, any childe under age, Ideott or distracted person, shall be good if it be passed and ratified by the consent of a generall Court.

15. All Coven^{ts}

15 All Court, or fraudulent alienations or Conveyances of Lands, tenements, or any hereditaments, shall be of no validity to defeat any man from due debts or legacies, or from any just title or claim or possession, of which is so fraudulently conveyed.

pag. 5.
sit. 3

16 Every Inhabitant from a house holder shall have free fishing & foroling in any great ponds & Bays, Lakes & Rivers, so farre as the ebbes & flowes wth in y^e Spouts of a towne where they dwell, unlessse y^e free men of y^e same towne or y^e generall Court have otherwise appropriated them, provided y^e this shall not be extended to give leave to any man to come upon others propriety wth out their leave.

pag. 90
sit. 2

17 Every man of or wth in this Jurisdiction shall have free libertie not wth standing any Civill power to remove both himselfe, & his familie at thaire pleasure out of y^e same, provided there be no legall impediment to y^e contrary.

pag. 91
sit. 3

Rites Rules & liberties concerning Judiciall proceedings.

18 No mans person shall be restrained or imprisoned by any Authority what so ever, before he hath sentenred him thereto, If he can put in sufficient security, Bayle, or mainprise, for his appearance & good behavior in y^e mean time, unlessse it be in Crimes Capitall, & Contempts in open Court, & in such cases where some expresse act of Court doth allow it.

pag. 71

19 If in a generall Court any misbehavior shall be amongst y^e Justices when they are by them selves y^e may deferre an Honoration or fine wther wth, it shall be examined & sentenred amongst y^e Justices, If amongst y^e Deputies when they are by themselves, it shall be examined & sentenred amongst thom selves, If it be when y^e whole Court is together, it shall be judged by y^e whole Court, & not severallie as before.

pag. 76
sit. 1

20 If any sh^{al}l see to sit as Judges in any other Court shall demean y^e selves offensively in y^e Court, the rest of y^e Judges present shall have power to remove him for it, if y^e cause be of a high nature it shall be presented to & removed at y^e next superiour Court

pag. 86
sit. 6

21 In all cases where y^e first summons are not served six dayes before y^e Court, & y^e cause briefly specified in y^e warrant, where appearance is to be made by y^e party summoned it shall be at his libertie whether he will appear or no, except all cases y^e are to be handled in Courts suddainly called upon extraordinary occasions, for all cases where there shal be appearance present & urgent cause, any Assistant or officer appointed shal have power to make out attachments for y^e first summons.

pag. 88
sit. 1

- 15 All Covenous or fraudulent Alienations or Conveyances of lands, tenements, or any hereditaments, shall be of no validitie to defeate any man from due debts or legacies, or from any just title, clame or possession, of that which is so fraudulently conveyed. pag. 32.
sec. 3.
-
- 16 Every Inhabitant that is an howse holder shall have free fishing and fowling in any great ponds and Bayes, Coves and Rivers, so farre as the sea ebbs and flowes within the presincts of the towne where they dwell, unlesse the free men of the same Towne or the Generall Court have otherwise appropriated them, provided that this shall not be extended to give leave to any man to come upon others proprietie without there leave. pag. 90.
sec. 2.
-
- 17 Every man of or within this Jurisdiction shall have free libertie, notwithstanding any Civill power to remove both himselfe, and his familie at their pleasure out of the same, provided there be no legall impediment to the contrarie. pag. 91.
sec. 3.
-
- Rites Rules and Liberties concerning
Juditiall proceedings.*
- 18 No mans person shall be restrained or imprisoned by any Authority whatsoever, before the law hath sentenced him thereto, If he can put in sufficient securitie, bayle or mainprise, for his appearance, and good behaviour in the meane time, unlesse it be in Crimes Capital, and Contempts in open Court, and in such cases where some expresse act of Court doth allow it. pag. 74.
-
- 19 If in a generall Court any miscariage shall be amongst the Assistants when they are by themselves that may deserve an Admonition or fine under 20 sh. it shall be examined and sentenced amongst themselves, If amongst the Deputies when they are by themselves, It shall be examined and sentenced amongst themselves, If it be when the whole Court is together, it shall be judged by the whole Court, and not severallie as before. pag. 36.
sec. 6.
-
- 20 If any which are to sit as Judges in any other Court shall demeane themselves offensively in the Court, the rest of the Judges present shall have power to censure him for it, if the cause be of a high nature it shall be presented to and censured at the next superior Court. pag. 36.
sec. 6.
-
- 21 In all cases where the first summons are not served six dayes before the Court, and the cause breittly specified in the warrant, where appearance is to be made by the partie summoned, it shall be at his libertie whether he will appeare or no, except all cases that are to be handled in Courts suddainly called, upon extraordinary occasions, In all cases where there appeares present and urgent cause Any Assistant or officer apointed shal have power to make out Attaichments for the first summons. pag. 7.
sec. 2.

22. No man

- 22 No man in any suit or action agt an other shall falsely pretend great debts or damages to vex his Neighbour. If it shall appear any doth so. The Court shall have power to set unreasonable fine on his head. pag. 7
5. r. 5
- 23 No man shall be adjudged to pay for detaining any debt from any Creditor above eight pounds; in hundred for over years, And not above 1/4 rate proportionable for all times that so ever, neither shall he be a trouble or countenance to allow any justice amongst vs contrary to the law of god. p. 153
- 24 In all trespasses, or damages done to any man or men, If it can be proved to be done by the mere default of him or them to whom the trespass is done, It shall be judged no trespass, nor any damage given for it. pag. 18
5. r. 3
- 25 No Summons pleading, judgement, or any kind of proceeding in Court or course of justice shall be abated, arrested, or reversed, v^t on any kind of circumstantial errors or mistakes, If y^e p^{ar}t & cause be rightly understood & intended by y^e Court. pag. 7
5. r. 2
- 26 Every man of firth him selfe unfit to plead his owne cause in any Court, shall have libertie to imploy any man agt whom the Court doth not except, to helpe him, provided he give him no fee, or reward for his paines. This shall not exempt y^e p^{ar}t him selfe from answering such questions in p^{ar}t as y^e Court shall thinke meete to demand of him.
- 27 If any plaintiff shall give into any Court a declaration of his cause in writing, The defendant shall also have libertie & time to give in his answer in writings. And so in all further proceedings betwene p^{ar}t & p^{ar}t, doo it doth not further hinder y^e dispatch of justice then y^e Court shall be willing vnto.
- 28 The plaintiff in all Actions brought in any Court shall have libertie to withdraw his Action, or to be non suit agt before y^e Justice hath given in y^e verdict, in w^{ch} case he shall alwaies pay full cost & charges to y^e defendt, & may afterwards renew his suite at an other Court if he please. pag. 3
5. r. 7
- 29 In all Actions at law it shall be y^e libertie of a plant & defendt by mutual consent to choose whether they will be tryed by y^e Bench, or by a Justice, unless it be where y^e law upon just reason hath otherwise determined. The like libertie shall be granted to all p^{ar}ties in Criminal cases. pag. 11
5. r. 2
- 30 It shall be in y^e libertie both of plaintiff & defendt, & likewise every delinquent (to be judged by a Justice) to challenge any of y^e Justices. And if his challenge be found just & reasonable by y^e Bench, or y^e rest of y^e Justice, as y^e challenger shall choose it shall be allowed him, & talos de circumstantibus imparetur in y^e proovise. p. 152
5. 3

- 22 No man in any suit or action against an other shall falsely pretend great debts or damages to vex his Adversary, if it shall appeare any doth so, The Court shall have power to set a reasonable fine on his head. pag. 3.
sec. 8.
- 23 No man shall be adjudged to pay for detaining any debt from any Crediter above eight pounds in the hundred for one yeare, And not above that rate proportionable for all somes what so ever, neither shall this be a colour or countenance to allow any usurie amongst us contrarie to the law of god. pag. 133
- 24 In all Trespasses or damages done to any man or men, If it can be proved to be done by the meere default of him or them to whome the trespasse is done, It shall be judged no trespasse, nor any damage given for it. pag. 18
sec. 3.
- 25 No Summons pleading Judgement, or any kinde of proceeding in Court or course of Justice shall be abated, arested or reversed upon any kinde of cercumstantiall errors or mistakes, If the person and cause be rightly understood and intended by the Court. pag. 7.
sec. 2.
- 26 Every man that findeth himselfe unfit to plead his owne cause in any Court shall have Libertie to imploy any man against whom the Court doth not except, to helpe him, Provided he give him noe fee or reward for his paines. This shall not exempt the partie him selfe from Answering such Questions in person as the Court shall thinke meete to demand of him.
- 27 If any plantife shall give into any Court a declaration of his cause in writeing, The defendant shall also have libertie and time to give in his answer in writeing, And so in all further proceedings betwene partie and partie, So it doth not further hinder the dispatch of Justice then the Court shall be willing unto.
- 28 The plantife in all Actions brought in any Court shall have libertie to withdraw his Action, or to be nonsuited before the Jurie hath given in their verdict, in which case he shall alwaies pay full cost and chardges to the defendant, and may afterwards renew his suite at an other Court if he please. pag. 3.
sec. 7.
- 29 In all Actions at law it shall be the libertie of the plantife and defendant by mutual consent to choose whether they will be tryed by the Bench or by a Jurie, unlesse it be where the law upon just reason hath otherwise determined. The like libertie shall be granted to all persons in Criminal cases. pag. 152
sec. 2
- 30 It shall be in the libertie both of plantife and defendant, and likewise every delinquent (to be judged by a Jurie) to challenge any of the Jurors. And if his challenge be found just and reasonable by the Bench, or the rest of the Jurie, as the challenger shall choose it shall be allowed him, and tales de cercumstantibus impaneled in their room. pag. 152
S. 3.

31. In all

- 31 In all cases where evidence is so obscure or defective that the Jurors can not clearly & safely give a positive verdict, whether it be a general or petit Juror. It shall have libertie to give a non liquit, or a speciall verdict; or in the last, to in a speciall verdict, & judgement of the cause, shall be left to the Court. And all Jurors shall have libertie in matters of fact if they can not finde a verdict, yet to finde & present in a verdict so much as they can. If the Jurors shall for differ at any time about a verdict of either of them can not give in the place of conscience & safe shall be referred, to the Generall Court, who shall take the question from both & determine it. p. 87
s. 3
part. 1
- 32 Every man shall have libertie to replevy his Cattell or goods im-
pounded, disseyned, seized, or extended, unless it be upon exar-
tion after judgement, & in pain of fines. Provided he puts in good
surety to execute his replevy, & to satisfie such demand as
his. And no man shall recourse agt him in law. p. 132
- 33 No mans person shall be detested, or imprisoned upon execution
or judgment for any debt or fine, if the law can find competent means
of satisfaction otherwise from his estate. And if not his person may
be arrested & imprisoned where he shall be kept at his owne
charge, untill he shall be satisfied, unless the Court
had cognizance of the cause or some superior Court, shall otherwise
provide. p. 6
- 34 If any man shall be quered & judged a roven Barrator vexing or
troubling the uninst frequent & endless suites, It shall be in the power
of Courts both to denie him the benefit of the law, & to punish him for
his vicerality. p. 9
- 35 No mans Corne nor hay that is in the fields or upon the Court, nor his gar-
den stuffe, nor any thing subject to present demer, shall be taken in
any distress, unless he that takes it doth presently before it where
it may not be impleaded, nor suffer spoils or decay, or give free-
tithie to satisfy the worth thereof if it comes to any haerme. p. 41
- 36 It shall be in the libertie of every man cast condemned or sentenced
in any cause in any inferior Court, to make the Appell to the Court of
Affixants: & under the Appell to put in good surety before
it, before the Court be ended where in the Appell is given, And
within six dayes next ensuing put in good surety before some
Affixant to satisfy what his Dissatisfaction shall recourse agt him.
And if the cause be of a Criminal nature, for his good behaviour, and
appearance, And every man shall have libertie to complain
to the Generall Court of any injustice done him in any Court of
Affixants: or otherwise p. 7
part of it

- 31 In all cases where evidence is so obscure or defective that the Jurie cannot clearly and safely give a positive verdict, whether it be a grand or petit Jurie, It shall have libertie to give a non Licit, or a spetiall verdict, in which last, that is in a spetiall verdict, the Judgement of the cause shall be left to the Court, and all Jurors shall have libertie in matters of fact if they cannot finde the maine issue, yet to finde and present in their verdict so much as they can, If the Bench and Jurors shall so differ at any time about their verdict that either of them cannot proceede with peace of conscience the case shall be referred to the Generall Court, who shall take the question from both and determine it. P. 87.
S. 3,
part of it.
-
- 32 Every man shall have libertie to replevy his Cattell or goods impounded, distreined, seised, or extended, unlesse it be upon execution after Judgement, and in paiement of fines. Provided he puts in good securitie to prosecute his replevin, And to satisfie such demands as his Adversary shall recover against him in Law. P. 132.
-
- 33 No mans person shall be Arrested, or imprisoned upon execution or judgment for any debt or fine, If the law can finde competent meanes of satisfaction otherwise from his estaite, and if not his person may be arrested and imprisoned where he shall be kept at his owne charge, not the plantife's till satisfaction be made: unlesse the Court that had cognizance of the cause or some superior Court shall otherwise provide. P. 6.
-
- 34 If any man shall be proved and Judged a commen Barrator vexing others with unjust frequent and endlesse suites, It shall be in the power of Courts both to denie him the benefit of the law, and to punish him for his Barratry. P. 9
-
- 35 No mans Corne nor hay that is in the feild or upon the Cart, nor his garden stuffe, nor any thing subject to present decay, shall be taken in any distresse, unles he that takes it doth presently bestow it where it may not be imbedded nor suffer spoile or decay, or give securitie to satisfie the worth thereof if it comes to any harme. P. 41.
-
- 36 It shall be in the libertie of every man cast condemned or sentenced in any cause in any Inferior Court, to make their Appeale to the Court of Assistants, provided they tender their appeale and put in securitie to prosecute it before the Court be ended wherein they were condemned, And within six dayes next ensuing put in good securitie before some Assistant to satisfie what his Adversarie shall recover against him: And if the cause be of a Criminall nature, for his good behaviour, and appearance, And everie man shall have libertie to complaine to the Generall Court of any Injustice done him in any Court of Assistants or other. P. 5,
part of it.

- 37 In all cases where it appears to y^e Court of y^e place both willingly and unwittingly done wronge to y^e def^t in commencing & prosecuting any action or complaint agt him, they shall have power to impose upon him a proportionable fine to y^e use of y^e def^t, or accused person, for his false complaint, or clamour. p. 7
S. 8
- 38 Everie man shall have libertie to Record in y^e publique Records of any Court any Testimony given upon oath in y^e same Court, or before two Assistants, or any Deeds or evidence legally confirmed & to remaine in perpetuum rei memoriam, & is for perpetuall memorie or evidence upon occasion. p. 131
- 39 In all Actions both real & personal betwene partie & partie, y^e Court shall have power to respite execution for a convenient time, when in thoir procedure they see just cause so to doo. p. 7
S. 1
- 40 No Conveyance, Deeds, or promise what so ever shall be of validitie, if it be gotten by illegal violence, imprisonment, threat or any other kind of forcible compulsion called duress. p. 32
S. 3
- 41 Everie man just to answer for any Criminall cause, whether he be in prison or under Bayle, his cause shall be heard & determined at y^e next Court of hath proper Cognizance therof, and may be done wth out prejudice of Justice. p. 33
S. 10
- 42 No man shall be twice sentenced by Civill Justice for one & the same Crime, offence, or trespass. p. 129
- 43 No man shall be beaten wth above 40 stripes, nor shall any Gentleman, nor any man equal to a Gentleman be punished wth whipping, unless his crime be very shamesfull, & his course of life vicious and profligate. p. 129
- 44 No man condemned to dye shall be put to death wth in foure dayes next after his condemnation, unless y^e Court see speciall cause to y^e contrary, or in case of martiall law, nor shall y^e body of any man so put to death be uncovered 12 howers, unless it be in case of Ambassadors. p. 30
- 45 No man shall be forced by torture to confess any Crime agt himselfe nor any other, unless it be in some Capitall case, where he is first fully convicted by oaths & sufficient proofe, & is knowne to be guilty, & that if y^e cause be of a nature, that it is very apparent & be otherwise convictous, or confesses to him, then he may be tortured, yet not wth such tortures as be Barbarous & inhumane. p. 129
- 46 For odious punishments are allow amongst vs none more inhumane & cruel. p. 129
- 47 No man shall be put to death wth out y^e testimony of two, or three witnesses, or y^e w^{ch} is equivalent thereto. p. 15

- 37 In all cases where it appears to the Court that the plantife hath wilingly and wittingly done wronge to the defendant in commencing and prosecuting any action or complaint against him. They shall have power to impose upon him a proportionable fine to the use of the defendant, or accused person, for his false complaint or clamor. P. 3. S. 8.
- 38 Everie man shall have libertie to Record in the publique Rolles of any Court any Testimony given upon oath in the same Court, or before two Assistants, or any deede or evidence legally confirmed there to remaine in perpetuum rei memoriam, that is for perpetuall memoriall or evidence upon occasion. P. 132.
- 39 In all actions both reall and personall betweene partie and partie, the Court shall have power to respite execution for a convenient time, when in their prudence they see just cause so to doe. P. 7. S. 4.
- 40 No Conveyance, Deede, or promise whatsoever shall be of validitie, If it be gotten by Illegal violence, imprisonment, threatenings, or any kinde of forcible compulsion called Dures. P. 32. S. 3.
- 41 Everie man that is to Answere for any Criminall cause, whether he be in prison or under bayle, his cause shall be heard and determined at the next Court that hath proper Cognizance thereof, And may be done without prejudice of Justice. P. 38. S. 10.
- 42 No man shall be twice sentenced by Civill Justice for one and the same Crime, offence, or Trespasse. P. 123.
- 43 No man shall be beaten with above 40 stripes, nor shall any true gentleman, nor any man equall to a gentleman be punished with whipping, unles his crime be very shamefull, and his course of life vitious and profligate. P. 125.
- 44 No man condemned to dye shall be put to death within fower dayes next after his condemnation, unles the Court see spetiall cause to the contrary, or in case of martiall law, nor shall the body of any man so put to death be unburied 12 howers, unlesse it be in case of Anatomie. P. 30.
- 45 No man shall be forced by Torture to confesse any Crime against himselfe nor any other unlesse it be in some Capitall case where he is first fullie convicted by cleare and suffitient evidence to be guilty, After which if the cause be of that nature, That it is very apparent there be other conspiratours, or confederates with him, Then he may be tortured, yet not with such Tortures as be Barbarous and inhumane. P. 129.
- 46 For bodilie punishments we allow amongst us none that are inhumane Barbarous or cruel. P. 125.
- 47 No man shall be put to death without the testimony of two or three witnesses or that which is equivalent thereunto. P. 155.

- 48 Every Inhabitant of y^e Countie shall have free libertie to search and view any Records, Records, or Registers, of any Court or office except y^e Countie. And to have at charge writ or writtimplification of writt examined & signed by y^e hands of y^e officers of y^e office paying y^e appointed fees therefore. P. 157 S. 3
- 49 No free man shall be compelled to serve upon Juries above two Courts in a year, except grands Jurie men, who shall hold two Courts together at y^e least. P. 87 S. 5
- 50 All Jurors shall be chosen continually by y^e free men of y^e Countie where they dwell. P. 86 S. 6
- 51 All Associates selected at any time to assist y^e Assistants in Justice Courts, shall be nominated by y^e Townes belonging to y^e Court, by orderly agreement amonge them selves. P. 152 S. 4
- 52 Children, Idiots, Distorted persons, & all y^e were strangers, or new comers to y^e plantation, shall have such allowances & dispensations in any cause whether Criminal or other as religion & reason require. P. 152 S. 4
- 53 The age of discretion for passing away of lands or such kind of hereditaments, or for giving of votes, verdicts or sentence in any Civill Courts or causes, shall be one & twenty years. P. 6
- 54 When so ever any thing is to be put to vote, any sentence to be pronounced, or any other matter to be proposed, or read in any Court or Assembly; If y^e president or moderator thereof shall refuse to performe it, y^e Majoritie of y^e members of y^e Court, or Assembly shall have power to appoint any other meete man of them to do it, And if y^e be just cause to punish him y^e should & would not. P. 153
- 55 In all suites or Actions in any Court, the plai^r shall have libertie to make all y^e titles & claims to y^e he sues for he ran. And y^e Defende^r shall have libertie to plead all y^e pleas he can in answer to them, & y^e Court shall judge according to y^e intire evidences of all. P. 147 S. 6
- 56 If any man shall behave himselfe offensively at any Towne meeting, y^e rest of y^e freemen then present, shall have power to sentence him for his offence, & to be it y^e mulct or penaltie exceede not twenty shillings. P. 147 S. 6
- 57 When so ever any person shall come to any vray suddaine untimely & unnatural death, Some Assistant, or y^e Constables of y^e Towne shall forthwith summon a Jury of twelve free men to inquire of y^e cause & manner of their death. & shall present their verdict thereof to some next Assistant; or y^e next Court to be holden for y^e Towne upon their oath. P. 39

Liberties more.

- 48 Every Inhabitant of the Country shall have free libertie to search and veewe any Roolles, Records, or Regesters of any Court or office except the Councell, And to have a transcript or exemplification thereof written examined, and signed by the hand of the officer of the office paying the appointed fees therefore. P. 131.
S. 3.
-
- 49 No free man shall be compelled to serve upon Juries above two Courts in a yeare, except grand Jurie men, who shall hould two Courts together at the least. P. 87.
S. 5.
-
- 50 All Jurors shall be chosen contimmallie by the freemen of the Towne where they dwell. P. 86.
S. 1.
-
- 51 All Associates selected at any time to Assist the Assistants in Inferior Courts shall be nominated by the Townes belonging to that Court, by orderly agreement amonge themselves.
-
- 52 Children, Idiots, Distracted persons, and all that are strangers, or new commers to our plantation, shall have such allowaunces and dispensations in any Cause whether Criminall or other as religion and reason require. P. 152.
S. 4.
-
- 53 The age of discretion for passing away of lands or such kinde of hereditments, or for giveing of votes, verdicts or Sentence in any Civill Courts or causes, shall be one and twentie yeares. P. 1.
-
- 54 Whensoever anything is to be put to vote, any sentence to be pronounced, or any other matter to be proposed, or read in any Court or Assembly, If the president or moderator thereof shall refuse to performe it, the Major parte of the members of that Court or Assembly shall have power to appoint any other meete man of them to do it. And if there be just cause to punish him that should and would not. P. 153.
-
- 55 In all suites or Actions in any Court, the plaintife shall have libertie to make all the titles and claims to that he sues for he can. And the Defendant shall have libertie to plead all the pleas he can in answeere to them, and the Court shall judge according to the entire evidence of all.
-
- 56 If any man shall behave himselfe offensively at any Towne meeting, the rest of the freemen then present, shall have power to sentence him for his offence. So be it the mulet or penaltie excede not twentie shilings. P. 14.
S. 1.
-
- 57 Whensoever any person shall come to any very suddaine untimely and unnaturall death, Some assistant, or the Constables of that Towne shall forthwith sumon a Jury of twelve free men to inquire of the eause and manner of their death, and shall present a true verdict thereof to some neere Assistant, or the next Court to be helde for that Towne upon their oath. P. 39.

Liberties more peculiar concerning the
free men.

- 58 Ciuill authoritie hath power & libertie to give y^e peace, ordinances & Rules of Christ obserued in this church according to his word. soe it be done in a Ciuill & not in an Ecclesiasticall way. p. 44
5-11
- 59 Ciuill authoritie hath power & libertie to dreale wth any Church, or man, but in a way of Ciuill Justice, not wth standing any Church relation, office, or interest. p. 44
5-11
- 60 No church consueur shall degrade or depose any man from any Ciuill dignitie, office, or authoritie he shall haue in y^e Common wealth. p. 44
5-10
- 61 No magistrat, iuror, Officer, or other man shall be bound to informe of any crime or reveale any private reime or offence, where in there is no pill or danger to this plantation or any mouche thereof; when any necessary type of conscience binds him to testify & is warranted vpon y^e word of god, vnblesse it be in case of testimony lawfully required p. 86
5-2
- 62 Any Shire or Towne shall haue libertie to choose their deputies whom whome they please for y^e Generall Court, soe be it they be free men, & haue taken those oath of fealtie, & inhabiting in this Jurisdiction. p. 40
5-2
- 63 No Governour, Sep^t Governour, Assistant, Associate, or grand Jury man at any Court, nor any deputie for y^e Generall Court, shall at any time breake his ovrone charges at any Court, but y^e necessary expenses shall be defrayed either by y^e Towne, or Shire on whose service they are, or by y^e Countrey in generall. p. 22
5-1
- 64 Every action betwene partie & partie, & proceedings agt delinquents in Criminall causes shall be briefly & distinctly entered in y^e Rollis of every Court by y^e Recordr thereof. That such actions be not after wards brought againe to y^e vexation of any man. p. 229
5-1
6-1
- 65 No custome or prescription shall ever preuaile amongst vs in any more or lesse, or meaning is maintaine any thinge y^e can be found to be lawfullly sinfull by y^e word of god. p. 26
- 66 The officers of every Towneship shall haue power to make such by law & constitutions as may concerne y^e well fare of y^e Towne: provided they be not of a Criminall, but onely of a poudentiall nature. And if y^e penalties excede not 20^s for our offence. And if they be not repugnant to y^e publique laws & orders of y^e Countrey And if any inhabitant shall neglect or refuse to obserue them, they shall haue power to levy y^e appointed penalties by distress. p. 127
5-1
- 67 It is y^e constant libertie of y^e free men of this plantation to choose yearly at y^e Court of election out of y^e free men all y^e generall officers of this Jurisdiction. If they please to discharge y^e at y^e day of election, they may do it wth out shewing cause. But if at any other generall Court, we haue it due justice, y^e y^e reasons thereof be all ready provided. By Generall officers we meane y^e Governour, Sep^t Governour, Assistant, & the Generall of our marches. And o^r Admirall at Sea. & such as are or here after may be of y^e like generall nature. p. 23
5-4

68. It is the

*Liberties more peculiarie concerning the
free men.*

- 58 Civill Authoritie hath power and libertie to see the peace, ordinances and Rules of Christ observed in every church according to his word. so it be done in a Civill and not in an Ecclesiastical way. P. 44. S. 11.
- 59 Civill Authoritie hath power and libertie to deale with any Church member in a way of Civill Justice, notwithstanding any Church relation, office or interest. P. 44. S. 11.
- 60 No church censure shall degrad or depose any man from any Civill dignitie, office, or Authoritie he shall have in the Commonwealth. P. 44. S. 10.
- 61 No Magistrate, Juror, Officer, or other man shall be bound to informe present or reveale any private crim or offence, wherein there is no perill or danger to this plantation or any member thereof, when any necessarie tye of conscience binds him to seeresie grounded upon the word of god, unlesse it be in case of testimony lawfully required. P. 86. S. 2.
- 62 Any Shire or Towne shall have libertie to choose their Deputies whom and where they please for the Generall Court. So be it they be free men, and have taken there oath of fealtie, and Inhabiting in this Jurisdiction. P. 40. S. 2.
- 63 No Governor, Deputy Governor, Assistant, Associate, or grand Jury man at any Court, nor any Deputie for the Generall Court shall at any time beare his owne chardges at any Court, but their necessary expences shall be defrayed either by the Towne or Shire on whose service they are, or by the Country in generall. P. 22. S. 1.
- 64 Everie Action betweene partie and partie, and proceedings against delinquents in Criminall causes shall be briefly and destinctly entered on the Rolles of every Court by the Recorder thereof. That such actions be not afterwards brought againe to the vexation of any man. P. 129. S. 1.
- 65 No custome or prescription shall ever prevaile amongst us in any morall cause, our meaneing is maintaine anythinge that can be proved to bee morrallie sinfull by the word of god. P. 126.
- 66 The Freemen of every Towneship shall have power to make such by laws and constitutions as may concerne the welfare of their Towne, provided they be not of a Criminall, but onely of a prudentiall nature. And that their penalties exceede not 20 sh. for one offence. And that they be not repugnant to the publique laws and orders of the Countrie. And if any Inhabitant shall neglect or refuse to observe them, they shall have power to levy the appointed penalties by distresse. P. 147. S. 1.
- 67 It is the constant libertie of the free men of this plantation to choose yearly at the Court of Election out of the freemen all the General officers of this Jurisdiction. If they please to discharge them at the day of Election by way of vote. They may do it without shewing cause. But if at any other generall Court, we hould it due justice, that the reasons thereof be alleadged and proved. By General officers we meane, our Governor, Deputy Governor, Assistants, Treasurer, Generall of our warres. And our Admirall at Sea, and such as are or hereafter may be of the like genrall nature. P. 48. S. 4.

68. It is the

68	<p>It is the libertie of y^e freemen to choose such deputies for y^e Generall Court out of thom selves. either in y^e owne towns or else wher as they indge fittest. And because we can not fore see what varietie & weight of opinions may fall into future consideration, And what counsells we may stand in neede of, we decree. That y^e deputies (to attend y^e Generall Court in y^e behalfe of y^e Countreie) shall not any time be stated or made, but from Court to Court, or at y^e most but for one year. y^e y^e Countreie may have an annual libertie to do in y^e case what is most benefficiall for y^e best welfare therof.</p>	P. 40 S. 2
69	<p>No Generall Court shall be dissolved or adjourned wth out y^e consent of y^e majoritie therof.</p>	P. 39 S. 5
70	<p>All offee men called to give any advise, vote, verdict, or sentence in any Court, Councell, or Civill Assembly, shall have full libertie to doe it according to y^e true judgements & Conferences, so it be done orderly & innocently for y^e maner.</p>	P. 159
71	<p>The Governour shall have casting voice whensoever an Equivote shall fall out in y^e Court of Assistants, or generall assembly, so shall y^e president or moderator have in all Civill Courts or assemblies.</p>	P. 38 S. 6
72	<p>The Governour & Deput Governour jointly consenting or any three Assistants consenting in consent shall have power out of Court to receive a condemned malefactor, till y^e next quarter or generall Court. The generall Court only shall have power to pardon a condemned malefactor.</p>	P. 38 S. 4
73	<p>The generall Court hath libertie & authoritie to send out any member of this Coman wealth of what qualitie, condition, or office what so ever into forreine parts about any publique message or Negotiation. provided y^e person sent be acquainted wth y^e affaires he goeth about, & be willing to undertake y^e service.</p>	P. 39 S. 1
74	<p>The freemen of every Towne or Towneshipp, shall have full power to choose yearly or for lesser time out of thom selves a convenient number of fitt men to order & planting or prudentiaall occasions of y^e Towne, according to instructions given them in writing, provided nothing be done by them contrary to y^e publique laws & orders of y^e Countreie. provided also y^e number of fitt persons be not above nine.</p>	P. 148 S. 2
75	<p>It is & shall be y^e libertie of any member or members of any Court - Councell or Civill Assembly in cases of making or executing any order or law, y^e properie, conscience, religion, or any cause capitall, or warres, or subscription to any publique Articles or Remonstrance, in case they can not in judgement & conscience consent to y^e same, the Major vote or suffrage yers. to make y^e contra Remonstrance, or protestation in speech or writing. & upon request to have y^e dissent recorded in y^e Rollis of that Court. so it be done Christianly & respectfully for y^e maner. And y^e dissent onely be entered wth out y^e reasons therof. for y^e avoiding of tediousnes.</p>	P. 120

76 Where so ever

- 68 It is the libertie of the freemen to choose such deputies for the Generall Court out of themselves, either in their owne Townes or elsewhere as they judge fittest. And because we cannot foresee what varietie and weight of occasions may fall into future consideration, And what counsells we may stand in neede of, we decree. That the Deputies (to attend the Generall Court in the behalfe of the Countrie) shall not any time be stated or inacted, but from Court to Court, or at the most but for one yeare, that the Comtrie may have an Annuall libertie to do in that case what is most behoofefull for the best welfare thereof. P. 40. S. 2.
- 69 No Generall Court shall be desolved or adjourned without the consent of the Major parte thereof. P. 35. S. 5.
- 70 All Freemen called to give any advise, vote, verdict, or sentence in any Court, Counsell, or Civill Assembly, shall have full freedome to doe it according to their true Judgements and Consciences, So it be done orderly and inofensively for the manner. P. 153.
- 71 The Governor shall have a casting voice whensoever an Equi vote shall fall out in the Court of Assistants, or generall assembly, So shall the presedent or moderator have in all Civill Courts or Assemblies. P. 35. S. 6.
- 72 The Governor and Deputy Governor Joyntly consenting or any three Assistants concurring in consent shall have power out of Court to reprove a condemned malefactor, till the next quarter or generall Court. The generall Court onely shall have power to pardon a condemned malefactor. P. 35. S. 4.
- 73 The Generall Court hath libertie and Authoritie to send out any member of this Comanwealth of what qualitie, condition or office whatsoever into forreine parts about any publike message or Negotiation. Provided the partie sent be acquainted with the affaire he goeth about, and be willing to undertake the service. P. 35. S. 4.
- 74 The freemen of every Towne or Towneship, shall have full power to choose yearly or for lesse time out of themselves a convenient number of fit men to order the planting or prudentiall occasions of that Town, according to Instructions given them in writeing, Provided nothing be done by them contrary to the publike laws and orders of the Countrie, provided also the number of such select persons be not above nine. P. 148. S. 2.
- 75 It is and shall be the libertie of any member or members of any Court, Councell or Civill Assembly in cases of makeing or executing any order or law, that properlie concerne religion, or any cause capitall, or warres, or Subscription to any publike Articles or Remonstrance, in case they cannot in Judgement and conscience consent to that way the Major vote or suffrage goes, to make their contra Remonstrance or protestation in speech or writeing, and upon request to have their dissent recorded in the Rolles of that Court. So it be done Christianlie and respectively for the manner. And their dissent onely be entered without the reasons thereof, for the avoiding of tediousness. P. 128.

76. Whensoever

76 when so ever any Jurie of trialls or Jurours, are not there in their Judgements or consciences concerning any cause where in they are to give \bar{y} verdict. they shall have libertie in open Court to advise th^e any man they thinke fit to resolve or direct them, before they give in \bar{y} verdict. P. 157 S. 5

77 In all cases where in any freeman is to give his vote. be it in point of Election, making contributions, & redress, or passing sentence in any case of Judicature or \bar{y} lib^e if he can not see reason to give it positively any way or an other. he shall have libertie to be silent, & not pressed to a determined vote. P. 153

78 The Generall or publique Treasurie or any p^{te} \bar{y} of shall never be exp^d spendd but by \bar{y} appoint^{mt} of a Generall Court, nor any other Treasurie, but by \bar{y} appoint^{mt} of \bar{y} free men there of, nor any Towne Treasurie, but by \bar{y} free men of \bar{y} Towneship. P. 150 S. 1. 2

Liberties of Women

79 If any man at his death shall not leave his wife a competent portion of his estate: upon just complaint made to \bar{y} Gen^l Court she shall be relieved. P. 150 S. 1

80 Every married woman shall be free from bodilie correction or stripes by her husband; unless it be in his owne defence upon just assault. If \bar{y} be any just cause of correction complaint shall be made to Authoritie assembled in some Court, from th^e only she shall receive it. P. 151 S. 2

Liberties of Children

81 when parents dye intestate: \bar{y} Eldest sonne shall have a double portion of his whole estate real & personall, unless \bar{y} Gen^l Court upon just cause allowed shall judge otherwise. P. 151 S. 3

82 when parents dye intestate, having noe heires. males of \bar{y} bodie of \bar{y} Daughters, shall have it as Copartners, unless \bar{y} Gen^l Court upon just reason shall judge otherwise. P. 155 S. 3

83 If any parents shall wilfullie & unreasonably deny any child, time by or convenient marriage, or shall exercise any unnatural severitie towards them. such children shall have free libertie to complaine to Authoritie for redresse. P. 129 S. 5

84 No Orphan during their minority wh^{ch} is not committed to tuition or security by the parents in \bar{y} life time, shall either wayes be absolutely disposed of by any kind of friend, Executor, Towne ship, or Church, nor by th^e same persons without \bar{y} consent of some Court where in two Justices at least shall be present. P. 128 S. 6

Liberties of Servants

85 If any servants shall flee from \bar{y} service of \bar{y} masters to \bar{y} house of any free man of \bar{y} same Towne, they shall be \bar{y} protected & justly given till due order be taken for \bar{y} relief. Provided dur^{ing} notice \bar{y} of be freely given to \bar{y} masters from whom they fled. And \bar{y} next adjacent or Constable where \bar{y} p^{er}son flying is harboured. P. 105 S. 6

86 No servant

- 76 Whensoever any Jurie of trialls or Jurours are not cleare in their Judgements or consciences conserneing any cause wherein they are to give their verdict, They shall have libertie in open Court to advise with any man they thinke fitt to resolve or direct them, before they give in their verdict. P. 87. S. 5.
- 77 In all cases wherein any freeman is to give his vote, be it in point of Election, makeing constitutions and orders, or passing sentence in any case of Judicature or the like, if he cannot see reason to give it positively one way or an other, he shall have libertie to be silent, and not pressed to a determined vote. P. 153.
- 78 The Generall or publique Treasure or any parte thereof shall never be expended but by the appointment of a Generall Court, nor any Shire Treasure, but by the appointment of the freemen thereof, nor any Towne Treasurie but by the freemen of that Towneship. P. 150. S. 1, 2.
- Liberties of Woemen.*
- 79 If any man at his death shall not leave his wife a competent portion of his estaite, upon just complaint made to the Generall Court she shall be relieved.
- 80 Everie marryed woeman shall be free from bodilie correction or stripes by her husband, unlesse it be in his owne defence upon her assault. If there be any just cause of correction complaint shall be made to Authoritie assembled in some Court, from which onely she shall receive it. P. 101. S. 1.
- Liberties of Children.*
- 81 When parents dye intestate, the Elder some shall have a doble portion of his whole estate reall and personall, unlesse the Generall Court upon just cause alleadged shall Judge otherwise. P. 158. S. 3.
- 82 When parents dye intestate haveing noe heires males of their bodies their Daughters shall inherit as copartners, unles the Generall Court upon just reason shall judge otherwise. P. 158. S. 3.
- 33 If any parents shall wilfullie and unreasonably deny any ehilde timely or convenient mariage, or shall exercise any unnaturall severitie towards them, such childeren shall have free libertie to complaine to Authoritie for redresse. P. 28. S. 5.
- 84 No Orphan dureing their minoritie which was not committed to tuition or service by the parents in their life time shall afterwards be absolutely disposed of by any kindred, freind, Executor, Towneship, or Church, nor by themselves without the consent of some Court, wherein two Assistants at least shall be present. P. 28. S. 6.
- Liberties of Servants*
- 85 If any servants shall flee from the Tiranny and crueltie of their masters to the howse of any freeman of the same Townie, they shall be there protected and susteyned till due order be taken for their relife. Provided due notice thereof be speedily given to their maisters from whom they fled. And the next Assistant or Constable where the partie flying is harboured. P. 105. S. 6.
86. No servant

- 86 No servant shall be put of for above a year to any other neither in y^e life time of y^e maister nor after y^e death by y^e exorutors, or Administratores unless it be by consent of authoritie assembled in some Court, or two of it. p. 108
5-7
- 87 If any man smite out y^e eye or tooth of his man servant, or maid servant, or otherwise mayme or much disfigure him, unless it be by matter reasonable, he shall let them goe free from his service. And shall have such further recompence as y^e Court shall allow him. p. 105
5-8
- 88 Servants y^e have served diligentlie & faithfully to y^e benefitt of y^e maisters severall yeeres, shall not be sent away empty. And if any have bene unfaithfull, negligent, or unprofitable in their service, notwithstanding y^e good usage of y^e maisters, they shall not be dismissed till they have made satisfaction according to y^e judgement of authoritie. p. 105
5-9

Liberties of foreigners & strangers

- 89 If any people of other Nations professing y^e true Christian Religion shall flee to us from y^e tyranny or oppression of y^e tyrants, or from famine, warres, or y^e like necessities & compulsionarie cause. They shall be entertained & favoured amongst us, according to y^e justice & procedure god shall give us. p. 143
- 90 If any ships or other vessels, be it forind or raring, shall saffer shipwreck upon y^e Coast. y^e shall be no violence or wrong offered to y^e persons or goods. But y^e persons shall be harboured, & relieved, & y^e goods preserved in safety till authoritie may be certified thereof, & shall take further order therein. p. 144
- 91 There shall never be any bond slaverye villinage or Captivitie amongst us, unless it be lawfull Captives taken in iust. warres, & such strangers as willingly sell themselves or are sold. And those shall have all the liberties & Christian usages w^{ch} y^e law of god establisheth in such concerning such persons death morally require. This exempts none from servitude who shall be judged there to by authoritie. p. 10

Of the Beaste Creatur

- 92 No man shall exercise any Tyranny or Cruelty towards any beaſtie Creatur w^{ch} are usually kept for mans use. p. 39
- 93 If any man shall have occasion to lead or drive Cattel from place to place that is far of, so y^e they be weary, or hungry, or fall sick, or lame, it shall be lawfull to rest or refresh them for a convenient time, in any open place that is not fornyered, nor dedicated for some peculiar use. p. 41

- 86 No servant shall be put of for above a yeare to any other neither in the life time of their maister nor after their death by their Executors or Administrators unlesse it be by consent of Authoritie assembled in some Court or two Assistants. P. 105. S. 7.
- 87 If any man smite out the eye or tooth of his man-servant, or maid servant, or otherwise mayme or much disfigure him, unlesse it be by meere casualtie, he shall let them goe free from his service. And shall have such further recompense as the Court shall allow him. P. 105. S. 8.
- 88 Servants that have served deligentlie and faithfully to the benefitt of their maisters seaven yeares, shall not be sent away emptie. And if any have bene unfaithfull, negligent or unprofitable in their service, notwithstanding the good usage of their maisters, they shall not be dismissed till they have made satisfaction according to the Judgement of Authoritie. P. 105. S. 9.
- Liberties of Forreiners and Strangers.*
- 89 If any people of other Nations professing the true Christian Religion shall flee to us from the Tyranny or oppression of their persecutors, or from famyne, warres, or the like necessary and compulsarie cause, They shall be entertayned and succoured amongst us, according to that power and prudence god shall give us. P. 143.
- 90 If any ships or other vessels, be it freind or enemy, shall suffer shipwrack upon our Coast, there shall be no violence or wrong offered to their persons or goods. But their persons shall be harboured, and relieved, and their goods preserved in safety till Authoritie may be certified thereof, and shall take further order therein. P. 161.
- 91 There shall never be any bond slaverie, villinage or Captivitie amongst us unles it be lawfull Captives taken in just warres, and such strangers as willingly selle themselves or are sold to us. And these shall have all the liberties and Christian usages which the law of god established in Israell concerning such persons doeth morally require. This exempts none from servitude who shall be Judged thereto by Authoritie. P. 10.
- Off the Bruite Creature.*
- 92 No man shall exercise any Tirranny or Crueltie towards any brute Creature which are usuallie kept for man's use. P. 39.
- 93 If any man shall have occasion to leade or drive Cattel from place to place that is far of, so that they be weary, or hungry, or fall sick, or lambe, It shall be lawful to rest or refresh them, for a competent time, in any open place that is not Corne, meadow, or inclosed for some peculiar use. P. 42.

Capitall Lawes

94

<p>Dut. 17.6.10 Dut. 17.2.6 Ex. 22.20</p>	<p>If any man after legall conviction shall haue or worship any other god, but y^e lord god, he shall be put to death.</p>	<p>7.4 5.1.</p>
<p>Ex. 22.18. Leu. 20.27. Dut. 18.10.</p>	<p>If any man or wooman be an witch, (that is hath or consulted wth a familiar spirit, they shall be put to death.</p>	<p>5.2.</p>
<p>Leu. 24.15.16</p>	<p>If any y^eson shall blaspheme y^e name of god, the father, Sonne or holie ghost, wth direct, expresse, presumptuous or high handed blasphemie, or shall curse god in y^e late manner, he shall be put to death.</p>	<p>5.3</p>
<p>Ex. 21.12. Numb. 35.17 Leu. 24.30.31.</p>	<p>If any y^eson commit any wilfull murder, w^{ch} is manslaughter, committed upon premeditated malice hatred, or cruelty, not in a mans necessary & iust defence, nor by mere casualty against his will: he shall be put to death.</p>	<p>5.4.</p>
<p>Numb. 25.20 Leu. 24.17.</p>	<p>If any y^eson slayeth an other suddenly in his anger, or cruelty of passion, he shall be put to death.</p>	<p>5.5</p>
<p>Ex. 21.14.</p>	<p>If any y^eson shall slay an other through guile, either by poisoning or other such diuclish practice, he shall be put to death.</p>	<p>5.6</p>
<p>Leu. 20.15. 16.</p>	<p>If any man or wooman shall byc wth any beast or brute creature by carnall copulation, they shall surely be put to death. And y^e beast shall be slaine, & buried & not eaten</p>	<p>5.7</p>
<p>Leu. 20.13.</p>	<p>If any man byeth wth man breide as he byeth wth a woeman, both of them haue committed abomination, they both shall surely be put to death.</p>	<p>5.9</p>
<p>Leu. 20.19. 20. Dut. 22.24. 24.</p>	<p>If any y^eson commit the adultery wth an married or espoused wife the adulterer & adulteresse shall surely be put to death.</p>	<p>5.9</p>
<p>Ex. 21.16.</p>	<p>If any man stealeth a man or mankinde, he shall surely be put to death.</p>	<p>5.10</p>
<p>Dut. 19.16 18.19.</p>	<p>If any man rise up by false witness, wittingly & of purpose to take away any mans life; he shall be put to death.</p>	<p>5.11</p>
	<p>If any man shall conspire & attempt any invasion, insurrection, or publique rebellion ag^t y^e common wealth. or shall endeavour to surprize any town or towns, fort or forts y^e in, or shall treacherously & perfidiously attempt y^e alteration & subversion of y^e forme of politie or Government fundamentall, he shall be put to death. <i>Declaration</i></p>	<p>5.12</p>

<i>94. Capitall Laws.</i>		
Dut. 13. 6, 10. Dut. 17. 2, 6. Ex. 22. 20.	1. If any man after legall conviction shall have or worship any other god, but the lord god, he shall be put to death.	P. 14. S. 1.
Ex. 22. 18. Lev. 20. 27. Dut. 18. 10.	2. If any man or woeman be a witch, (that is hath or consulteth with a familiar spirit,) They shall be put to death.	S. 2.
Lev. 24. 15, 16.	3. If any man shall Blaspheme the name of god, the father, Sonne or Holie ghost, with direct, expresse, presumptuous or high handed blasphemie, or shall curse god in the like manner, he shall be put to death.	S. 3.
Ex. 21. 12. Numb. 35. 13. 14, 30, 31.	4. If any person committ any wilfull murther, which is manslaughter, committed upon premeditated mallice, hatred, or Crueltie, not in a mans necessarie and just defence, nor by meere casualtie against his will, he shall be put to death.	S. 4.
Numb. 25. 20. 21. Lev. 24. 17.	5. If any person slayeth an other suddaienly in his anger or Crueltie of passion, he shall be put to death.	S. 5.
Ex. 21. 14.	6. If any person shall slay an other through guile, either by poysoning or other such divelish practice, he shall be put to death.	S. 6.
Lev. 20. 15, 16.	7. If any man or woeman shall lye with any beaste or brute creature by Carnall Copulation. They shall surely be put to death. And the beast shall be slaine and buried and not eaten.	S. 7.
Lev. 20. 17.	8. If any man lyeth with mankinde as he lyeth with a woeman, both of them have committed abhominacion, they both shall surely be put to death.	S. 8.
Lev. 20. 19, and 18, 20. Dut. 22. 23, 24.	9. If any person committeth Adultery with a married or espoused wife, the Adulterer and Adulteresse shall surely be put to death.	S. 9.
Ex. 21. 16.	10. If any man stealeth a man or mankinde, he shall surely be put to death.	S. 10.
Deut. 19. 16, 18, 19.	11. If any man rise up by false witnes, wittingly and of purpose to take away any mans life, he shall be put to death.	S. 11.
	12. If any man shall conspire and attempt any invasion, insurrection, or publique rebellion against our commonwealth, or shall endeavour to surprize any Towne or Townes, fort or forts therein, or shall treacherously and perfediouslie attempt the alteration and subversion of our frame of politic or Government fundamentallie, he shall be put to death.	S. 12.
A declaration		

A Declaration of the liberties the Lord
Jesus hath given to y^e Churches.

95. 1 All y^e people of god wth in this Jurisdiction who are not
in a schism way, & be orthodox in judgement, & not
frandalous in life, shall have full libertie to gather
thom selves into a Church Establie. Provided they doe
it in a Christian way, wth due observation of y^e rules
of Chris- revealed in his word. p. 43. S. 1.
- 2 Every Church hath full libertie to exercise all y^e ordi- S. 3
nances of god, according to y^e rules of Scripture.
- 3 Every Church hath free libertie of Election & ordination S. 4
of all their officers from time to time, provided they
be able, pious & orthodox.
- 4 Every Church hath free libertie of Admission, Recom- S. 5
mendation, Dismission, & Expulsion, or Depofal of y^e
officers, & members, upon due cause. wth free exercise
of y^e Discipline & Censures of Christ according to the
rules of his word.
- 5 No Injunctions are to be put upon any Church, Church S. 6
Officers or member in point of doctrine, worship or
Discipline, whether for substance or circumstances besides
y^e Institutions of y^e Lord.
- 6 Every Church of Christ hath freedom to observe S. 7
days of fasting & prayer, & of thanks giving according
to y^e word of god
- 7 The Elders of Churches have free libertie to meet S. 8
monthly, Quarterly, or otherwise, in convenient
numbers & places, for conferences, & consultations
about Christian & Church questions & occasions.
- 8 All churches have libertie to deal wth any of their S. 9
members in a church way & are in y^e hand of justice.
So it be not to retard or hinder y^e course of.
- 9 Every Church hath libertie to deal wth any magis- p. 44. S. 10
trate, Deputie of Court or other officer what for
ever y^e is a member in a church way in case of appa-
rent & just offence given in y^e places. so it be done
wth due observance & respect.
- 10 Wee allowe private meetings for Edification in re- S. 12
ligion amongst Christians of all sortes of people. So
it be wth out just offence both for number, time, place,
& other circumstances.

95. *A Declaration of the Liberties the Lord
Jesus hath given to the Churches.*

- | | | |
|----|---|------------------|
| 1 | All the people of god within this Jurisdiction who are not in a church way, and be orthodox in Judgement, and not scandalous in life, shall have full libertie to gather themselves into a Church Estaite. Provided they doe it in a Christian way, with due observation of the rules of Christ revealed in his word. | P. 43
S. 1. |
| 2 | Every Church hath full libertie to exercise all the ordinances of god, according to the rules of scripture. | S. 3. |
| 3 | Every Church hath free libertie of Election and ordination of all their officers from time to time, provided they be able, pious and orthodox. | S. 4. |
| 4 | Every Church hath free libertie of Admission, Recommendation, Dismission, and Expulsion, or deposall of their officers and members, upon due cause, with free exercise of the Discipline and Censures of Christ according to the rules of his word. | S. 5. |
| 5 | No Injunctions are to be put upon any Church, Church officers or member in point of Doctrine, worship or Discipline, whether for substance or circumstance besides the Institutions of the lord. | S. 6. |
| 6 | Every Church of Christ hath freedome to celebrate dayes of fasting and prayer, and of thanksgiving according to the word of god. | S. 7. |
| 7 | The Elders of Churches have free libertie to meete monthly, Quarterly, or otherwise, in convenient numbers and places, for conferences and consultations about Christian and Church questions and occasions. | S. 8. |
| 8 | All Churches have libertie to deale with any of their members in a church way that are in the hand of Justice. So it be not to retard or hinder the course thereof. | S. 9. |
| 9 | Every Church hath libertie to deale with any magistrate, Deputie of Court or other officer what soe ever that is a member in a chnrch way in case of apparent and just offence given in their places, so it be done with due observance and respect. | P. 44.
S. 10. |
| 10 | Wee allowe private meetings for edification in religion amongst Christians of all sortes of people. So it be without just offence for number, time, place, and other circumstances. | S. 12. |

11. For the preventing

21 for the preventing & removing of error & offences
 that may grow & spread in any of y^e Churches in this
 Jurisdiction. And for y^e preserving of truth & peace in
 y^e severall churches within themselves, & for the
 maintenance & exercise of brotherly communion, among
 all y^e churches in y^e Countrey. It is allowed & ratified,
 by y^e Authority of this year^l Court as a lawfull
 libertie of y^e Churches of Christ. That once in every
 month. of y^e year (when y^e season will bear it)
 It shall be lawfull for y^e ministers & Elders, of y^e
 Churches neere adjoining to gether, wth any other
 of y^e brethren wth y^e consent of y^e churches to asse-
 mble by course in each severall Church one af-
 ter another. To y^e intent after y^e preaching of y^e word
 by such a minister as shall be requested thereto by y^e
 Elders of y^e church where y^e Assembly is held, the rest
 of y^e day may be spent in publique Christian Conference
 about y^e discussing & resolving of any such doubts &
 cases of conscience concerning matters of doctrine
 or worship or govern^t of y^e church as shall be propound-
 ed by any of y^e Brethren of y^e church, wth leave also to
 any other wth to propound his objections or answers
 for further satisfaction according to y^e word of god.
 Provided y^t y^e whole action be guided & moderated by
 y^e Elders of y^e Church where y^e Assembly is held, or
 by such others as they shall appoint. And y^t no thing be
 concluded & imposed by way of authority from one or
 more Churches upon an other, but onely by way of
 Brotherly conference & consultations. That y^e trust
 may be furthered out to y^e satisfying of every mans con-
 science in y^e sight of god according to his worde. And
 because such an Assembly & y^e worke therof can not
 be duly attended to if other lectures be held in y^e
 same week. It is therefore agreed wth y^e consent of y^e
 Churches. That in y^e week when such an Assembly is held.
 All y^e lectures in all y^e neighbouring Churches for y^e week
 shall be forborne. That so y^e publique service of Christ
 in this more solemn Assembly may be transacted wth
 greater diligence & attention.

11 For the preventing and removeing of errorr and offence that may grow and spread in any of the Churches in this Jurisdiction, and for the preserveing of trueth and peace in the severall churches within themselves, and for the maintenance and exercise of brotherly communion, amongst all the churches in the Countrie, It is allowed and ratified, by the Authoritie of this Generall Court as a lawfull libertie of the Churches of Christ. That once in every month of the yeare (when the season will beare it) It shall be lawfull for the minesters and Elders, of the Churches neere adjoyneing together, with any other of the bretheren with the consent of the churches to assemble by course in each severall Church one after an other. To the intent after the preaching of the word by such a minister as shall be requested thereto by the Elders of the church where the Assembly is held, The rest of the day may be spent in publique Christian Conference about the discussing and resolveing of any such doubts and cases of conscience concerning matter of doctrine or worship or government of the church as shall be propounded by any of the Bretheren of that church, with leave also to any other Brother to propound his objections or answeres for further satisfaction according to the word of god. Provided that the whole action be guided and moderated by the Elders of the Church where the Assemblie is helde, or by such others as they shall appoint. And that no thing be concluded and imposed by way of Authoritie from one or more Churches upon an other, but onely by way of Brotherly conference and consultations. That the trueth may be searched out to the satisfying of every mans conscience in the sight of god according his worde. And because such an Assembly and the worke theirof can not be duely attended to if other lectures be held in the same weeke. It is therefore agreed with the consent of the Churches. That in that weeke when such an Assembly is held, All the lectures in all the neighbouring Churches for that weeke shall be forborne. That so the publique service of Christ in this more solemne Assembly may be transacted with greater deligence and attention.

- 96 How so ever these above specified rites, free domes, immunities, authorities & priviledges, both Civill & Ecclesiasticall are expressed onely vnder y^e name & tith of Liberties, & not in y^e exact forme of Lawes, or Statutes, yet we do wth our consent fullie authorize, & earnestly intreate all y^e are & shall be in due authority to consider them as Lawes, & not to faile to inflict condigne & proportionable punishments vpon every man impartially, y^e shall infringe or violate any of them.
- 97 Wee likewise give full power & libertie to any person y^e shall at any time be denyed or deprived of any of them, to remember & prosecute y^e suite, Complaint, or action agt any man y^e shall so doe, in any Court y^e hath proper Cognizance or iudicature thereof.
- 98 Lastly because of dutie & desire is to do nothing suddainly wth fundamentally concerne us. we decree y^e these rites & liberties, shall be dudably read & deliberately weighed at every Generall Court y^e shall be hold, wth in three yeares next ensuing, And such of them as shall not be altered or repealed they shall stand so ratified, that no man shall infringe them wth out due punishment.
- And if any Generall Court wth in these next three yeares shall faile or forget to read & consider them as above said. The Gov^r & Deput^y Gov^r for y^e time being, & every Assistent present at such Courts. shall forfeite 20^s a man. & every Deputie 10^s a man for each neglect. wth shall be paid out of y^e proper estate, & not by y^e County or y^e Townes wth choose them. & when so ever y^e shall arise any question in any Court amonge y^e Assistants & Associates of about y^e explanation of these rites & liberties. The Generall Court onely shall have power to interprett them.

- 96 Howsoever these above specified rites, freedoms, Immunities, Authorities and priveledges, both Civill and Eeclesiastical are expressed onely under the name and title of Liberties, and not in the exact form of Laws or Statutes, yet we do with one consent fullie Authorise, and earnestly intreate all that are and shall be in Authoritie to consider them as laws, and not to faile to inflict con-digne and proportionable punishments upon every man impar-tiallie, that shall infringe or violate any of them.
-
- 97 Wee likewise give full power and libertie to any person that shall at any time be denyed or deprived of any of them, to com-mence and prosecute their suite, Complaint or action against any man that shall so doe in any Court that hath proper Cognizance or judi-cature thereof.
-
- 98 Lastly because our dutie and desire is to do nothing suddainlie which fundamentally concerne us, we decree that these rites and liber-ties, shall be Audably read and deliberately weighed at every Generall Court that shall be held, within three yeares next insueing. And such of them as shall not be altered or repealed they shall stand so ratified, That no man shall infringe them with-out due punishment.

And if any Generall Court within these next thre yeares shall faile or forget to reade and consider them as abovesaid. The Governor and Deputy Governor for the time being, and every Assistant present at such Courts shall forfeite 20sh. a man, and everie Deputie 10sh. a man for each neglect, which shall be paid out of their proper estate, and not by the Coun-try or the Townes which choose them, and whensoever there shall arise any question in any Court amonge the Assistants and Associates there-of about the explanation of these Rites and liberties, The Generall Court onely shall have power to interprett them.

INDEX TO BODY OF LIBERTIES.

REFERENCES ARE TO THE NUMBER OF THE LIBERTY.

- Abatements, 25.
Actions, malicious, punished, 37.
— to be enrolled, 64.
Adjournments, 69.
Admiral, annual election of, 67.
Adultery punished by death, 94.
Age of discretion, 53.
Alienation of lands and estates allowed, 11.
—, see *Conveyances*.
Animals, cruelty to, forbidden, 92.
Answers may be in writing, 27.
Appeals, security for, to be given in six days, 36.
Assembly, presiding officer to be suspended and punished for refusing to put a vote, 54.
— casting vote in, 71.
— protest allowed in, 75.
Assistants, punished for misbehavior in court, 19.
— may issue attachments, 21.
— court of appeals, 36.
— appeal from, to General Court, 36.
— associates to, how chosen, 51.
Attendance, non-, before any court or officer, not punishable if unavoidable, 4.

Bail allowed, 18.
Banishment, power of, reserved to General Court, 1.
Barrator, common, punishment of, 34.
Bench, see *Judges*.
Bestiality punished by death, 94.
Blasphemy punished by death, 94.

Capital cases, reserved for General Court, 1.
— punishment, allowed only on full evidence, 47.
—, see *Executions*.
Cause, to be stated in summons, 21.
— criminal, to be tried at next court, 41.
Children, not to convey estates, 14.
— entitled to proper marriages, 83.
—, see *Wife*.
Churches, to be sustained by the civil power, 58.
— members amenable to civil power, 59.
— censure not to affect civil authority, 60.
— privileges and rights defined, 95; especially to gather churches; to govern by Gospel rules; to elect and ordain officers; to admit and dismiss members; to be free from injunction: to appoint fasts and thanksgivings; to hold conferences; to discipline members while in the hands of civil authority; to discipline members who are church-members; to hold private religious meetings, and to hold councils of churches.
Conveyance, valid, 11.
— invalid in certain cases, 14.
— covenous and fraudulent, illegal, 15.
— under duress, illegal, 40.
Court, neglect of, 4.
— contempt of, 18.
— errors and abatements, 25.
— proceedings may be in writing, 27.
— to give judgment on special verdicts, 31
— when differing from jury may refer to the General Court, 31.

Court, to keep public records, 38.
— may respite execution 39.
— to enter all actions on rolls, 64.
Court, General, power in capital cases, 1.
— — power over life, person and property, 1.
— — appeal to, 31, 36.
— — to ratify certain conveyances, 14.
— — adjournment of, 69.
— — powers over great ponds, 16.
— — to revise and ratify these Liberties annually for three years, 98.
— — penalty for neglect of Liberty 98, — last clause.
Crime, no one to be tried twice for the same, 42.

Daughters to take as copartners, 82.
Debt, imprisonment for, 33.
Deputies, how to be chosen, 62, 67.
— term of office, 67.
Dismembering, power of, reserved to General Court, 1.
Dissection of malefactors, 44.
Distress, perishable goods taken in, 35.
Drovers allowed privileges in travelling, 93.
Duress invalidates all conveyances or promises, 40.

Election, annual, of officers, 67.
Emigration permitted, 17.
Escheats forbidden, 10.
Estates, see *Intestate*.
Execution, criminal condemned not to be executed in less than four days from sentence, 44.
Exemptions from war or public service, 6.

Fishing, free, 16.
Foreigners to have equal protection, 2.
Forfeitures forbidden, 10.
Fowling, free, 16.
Freedom of speech and vote, 70.

General Court, see *Court, General*.
Governor to have a casting vote, 71.
—, see *Officers*.
Great ponds, fishing in, 16.

Heriots forbidden, 10.
Honor and good name protected, 1.
Householders, rights to free fishing and fowling, 16.

Idolatry punished by death, 94.
Idiots not to convey estates, 14.
Informations not to be laid, 61.
Inhabitants all to have equal justice, 2.
Inheritances free from fines, etc., 10.
Inquests provided, 57.
Interest, legal rate to be eight per cent., 23.
Intestate estates, how divided, 81, 82.

Jeofails, statute of, 25.
Judges, punished for misbehavior in court, 20.
— may try actions without jury, 29.
— may approve challenges of jurors, 30.
Judgments, errors in, 25.
— may be respited, 39.
—, see *Suits*.
Jurors, right to challenge, 30.

- Jurors, may allow challenges, 30.
 — may bring in a *non-liquit*, 31.
 — time of service, 49.
 — to be chosen by fellow-townsmen, 50.
 — may consult by standers in open court, 76.
 — not compelled to vote on verdict, 77.
 — grand, to be paid, 63.
- Lands free from fines, etc., 10.
- Law of God to be followed in lack of statute, 1.
- Laws, capital, 94; inflicting death-penalty for—
 Heresy, § 1.
 Witchcraft, § 2.
 Blasphemy, § 3.
 Murder, §§ 4, 5.
 Poisoning, § 6.
 Bestiality, § 7.
 Sodomy, § 8.
 Adultery, § 9.
 Man-stealing, § 10.
 Perjury against life, § 11.
 Treason, § 12.
- Laws to be published, 1.
- Liberties, to have the force of laws, 96.
 — breach of, noticed by the courts, 97.
 — to be revised and ratified annually for three years, 98.
- Life inviolable except by action of law, 1.
- Liveries forbidden, 10.
- Malefactors, after execution to be buried within twelve hours, unless dissected, 44.
- Man-stealing punished by death, 94.
- Marriage, parents to settle children in, 83.
- Married women not to convey estates, 14.
- Meetings, foreigners allowed to act in, 12.
 — moderator to have casting vote at, 71.
- Monopolies forbidden, 9.
- Murder punished by death, 94.
- Non-liquit, see *Verdict, special*.
- Oath not compulsory, 3.
- Officers, general, defined, 67.
 — — elected by freemen, 67.
 — — tenure of office, 67.
 — to be repaid their expenses, 63.
- Orphans to be bound out only by order of court, 84.
- Patents allowed, 9.
- Perjury, touching life, punished with death, 94.
- Person, not to be arrested or punished except by law, 1.
 — to be free from arrest for debt or fine, if estate can be found, 33.
- Pleas may be in writing, 27.
- Poisoning, punished with death, 94.
- Ponds, see *Great Ponds*.
- Prescription not to be maintained against Gospel, 65.
- Presiding officer, see *Assembly*.
- Press, see *Work, public*.
- Primer-seisins forbidden, 10.
 — not to be taken for public use without compensation, 8.
- Protest allowed, 75.
- Prudential affairs to be settled by towns, 66.
 — officers elected, 74.
- Public expenses, see *Officers*.
 — service in foreign parts not compulsory, 73.
- Punishment, of married women, 80.
 — barbarous, forbidden, 46.
 — capital, see *Laws*.
 — bodily, see *Stripes*.
- Records, open to public examination, 48.
 — certified copies obtainable, 43.
 — of protests to be made, 75.
 — of courts to be kept, 38.
- Removal of officers for cause, 67.
- Replevin allowed, 32.
- Reprieves, how granted, 72.
- Rivers, see *Great Ponds*.
- Security to be given in cases of replevin, 32.
- Servants, to be protected, 81.
 — transfers of, regulated, 86.
 — injury to, 87.
 — to be rewarded at end of term, 88.
- Slavery prohibited, 91.
- Sodomy punished with death, 94.
- Son, elder, to have a double portion of intestate estates, 81.
- Strangers, Christian, to be received and aided, 89.
 — ship-wrecked, to be protected, 91.
 — see *Foreigners*.
- Stripes, not above forty to be given, and gentlemen to be exempt, 43.
- Suits, vexatious, to be punished, 22.
 — not to be abated, arrested, or reversed for technical errors, 25.
 — may be withdrawn and renewed in another court, 28.
 — of children, idiots, strangers, etc., to be specially protected, 52.
 — parties given fullest liberty to claim and to answer, 55.
- Summons to be served at least six days before trial, 21.
- Taxes not to be assessed on estate outside of the colony, 13.
- Testimony, to be recorded, 38.
 — *in perpetuum rei memoriam*, 38.
- Torture greatly restricted, 45.
- Town-meeting, disturbance at, to be punished, 56.
- Towns, to choose deputies, 62.
 — to regulate their prudentials, 66.
- Treason punished by death, 94.
- Treasure, public, how to be disbursed, 78.
- Trespass, no damages for, if party injured caused it, 24.
- Trials may be by the bench alone or with a jury, 29.
- Usury forbidden, 23.
 —, see *Interest*.
- Verdict, suits may be withdrawn before, 25.
 — special, may be given, 31.
- Vote, casting, 71.
 — must be put, 54.
- Voting, freedom of, 70.
 — not compulsory, 77.
- War beyond the colony, service not compulsory, 7.
- Wardships forbidden, 10.
- Waste, year and day, forbidden, 10.
- Water-mark, high and low, limits of free fishing and fowling, 16.
- Widow to receive dower, 79.
- Wife and children not to be taken away, 1.
- Wills allowed, 11.
- Witchcraft punished by death, 94.
- Women, married, free from bodily punishment by husbands, 80.
- Work, public, no man to be impressed for, without due compensation, 5.
- Wreck, in case of, goods to be protected, 90.
- Written pleas and answers allowed, 27.

APPENDIX.

CONTAINING FAC-SIMILES OF THOSE PAGES OF THE ANSWER OF THE
GENERAL COURT IN 1646, WHICH CONTAIN REFERENCES TO
THE BODY OF LIBERTIES. (See *ante*, p. 16.)

(From the Elisha Hutchinson ms. in the Boston Athenæum.)

fundamentall Lawes of y^e Massachusetts Colonie in New England
Boston. 4. (9). 1646

ffoundamentalls of y^e Massachusetts

- 1 All y^e y^e orthodoxe in judgement vnderstandalous in life, may gather into a Church estate, according to y^e gospel of Jesus Christ.
Lib. 1.
Such may chooſe & ordaine y^e ownie officers, & exercise all y^e ordi-
nances of Christ w^out Injunction in doctrine, worſhip, or discipline. Lib. 3. & 5. in Enclaf.
- 2 No mans life, honore, liberty, wife, children, goods or estates, shall be taken away, punished or endamaged, vnder colour of law, or countenance of Authority, but by an expresse Law of y^e Generall Court, or in default of such law, by y^e word of god. Lib. 1.
Every y^e man w^ho in this Jurisdiction sh^{al}l enjoy y^e same Justice and Law w^out partiality or delay. Lib. 2.
All y^e lands & hereditaments shall be free from all fines, forfeitures. Lib. 10
Every man may remove him selfe & his familie w^ho if y^e be no legal impediment. Lib. 17.
- 3 The free men of every towne may dispose of y^e towne lands w^ho & may make such orders, as may be for y^e well ordering of y^e townes w^ho, & may chooſe y^e Constables & other officers. 1. (month) 1635.
- 4 One reference is appointed through y^e Countie according to the Kings command. (3) 1631. & 1638.
- 5 Courts of Judicature shall be kept, at Boston for Suffolk, at Cambridge for Middlesex, at Salem & Ipswich for Essex w^ho vpon reclamed dayes yearly. (2^m) 1635.
- 6 Difficult cases are finally determinable in y^e Court of assistants, or in y^e Generall Court, by appeal or petition, or by reference from y^e Inferiour Courts. Lib. 31. & 36.
- 7 vpon vniust suites y^e plat shall be found proportionable to his offence. Lib. 37.
No mans goods shall be taken away but by due course of Justice. Lib. 1.
In criminall causes it shall be at y^e libertie of y^e accused partie to be tryed by y^e Bench or by a Jury. Lib. 29.
We do not fine or sentence any man but vpon sufficient testimony vpon oath, or confession. Custom
- 8 Wager of law is not allowed but according to this law, & according to, Exod. 22. 8.
- 9 Letters testimoniall are granted to Merchants, when there is occasion. Custom

fundamentalls of

- 1 The highest authoritie here is in our Generall Court, both by ^{Foundamentall} ~~o~~ ^{of} ~~the~~ ^{the} Massachusetts Charter & ~~o~~ ^{of} ~~our~~ ^{our} positive Lawes. (3) 1634 & 1635.
- 2 In ~~o~~ ^o ~~our~~ ^{our} Generall Court if people are present by their deputies, so as no thing can passe without their allowance. ~~o~~ ^o ~~our~~ ^{our} Charter. & (1) 1635
- 3 Our deputies are chosen for all of people, but not by all of people, but only by the Company of freemen, according to ~~o~~ ^o ~~our~~ ^{our} Charter.
- 4 The Govern^r & Assistants being of Aristocraticall, & the deputies of Democratticall part, yet make but one Court though they sitt part a part, & either of them hath a like Negative power. ~~o~~ ^o ~~our~~ ^{our} Charter. & (1) 1635
- 5 The Acts of this Generall Court do binde all wth in this Jurisdiction, as well non-freemen, who have no vote in Election of the members of the Court, as of freemen who choose them. ~~o~~ ^o ~~our~~ ^{our} Charter
- 6 This Government in its subordinate exercise thereof, is either in Courts of Judicature, or out of Court. ~~o~~ ^o ~~our~~ ^{our} Charter. & many positive Lawes.
- 7 In ~~o~~ ^o ~~our~~ ^{our} Courts of Judicature all Causes Civil & Crimall are determinable, either by the Judges & Jurys, or by the Judges alone & as in England. This is both Custom & by divers speciall Lawes established, according to ~~o~~ ^o ~~our~~ ^{our} Charter. as Lib. 29. & 1635
- 8 In the vacancy of the Generall Court the Govern^r & Assistants are the standing councell to take order in all such affaires. ~~o~~ ^o ~~our~~ ^{our} Charter. & (2) 1644
- 9 The Govern^r & Assistants out of Court have power to prosecute the private & ~~o~~ ^o ~~our~~ ^{our} Charter, & Customs, & divers speciall Lawes.
- 10 Our ministeriall officers are marshalls, Constables, Clerkes &c.
- 11 Our ordinary processes are Sumons, Attachments, Distresses &c. ~~o~~ ^o ~~our~~ ^{our} Charter.
- 12 In all Crimall offences, where the Law hath prescribed no certaine penalty, the Judges have power to inflict penalties, according to the rule of Gods word. — Lib. 1. & by the Charter &c.
- 13 Treason, Murther, withcraft, Sodomitie, & other such notorious Crimes are punished wth death. but Theft or is not so punished because we receive other wise in the Corrupture. Capitall &c.
- 14 Adultery is punished according to the Canon of the spiritual Law. viz. by Corruptures. Capitall &c.
- 15 All publick charges are defrayed out of the publick stock. Customs & Lib. 63.
- 16 When we have no publick stock, we supply the necessary publick charges, by Assessment, raised by the Generall Court
- 17 The Generall Court intends an Equal Assessment upon every Towne & person, & in devotes it, by the best means they can invent, but in some cases it falls out — in equality of this is levied by Distresses of such as are able, & yet refuse to pay. Customs & orders of Court.

fundamentals of the massachusetts

- 18 The Generall Court is not bound to give account of y^e expence of the s^everal
 assignments, yet they doe sometimes, for all more satisfaction.
- 19 No mans person shall be restrained or imprisoned w^{ch} before y^e law hath sen-
 tenced him thereto) if he can put in sufficient baile w^{ch} Except in Crimes
 Capitall. Lib. 18.
- 20 The full age for passing lands, giving votes w^{ch} is 21. years. Lib. 57.
- 21 married women can not dispose of any estate w^{ch} nor can sue or be
 sued wth out th^{er} husband. Lib. 19. & Customs.
- 22 In Civill Actions a man may appeare & defend by his Attorney. Customs
- 1 The Eldest Sonne is preferred before y^e younger in his Ancestors
 inheritance. Lib. 81.
- 2 Daughters shall inherit as Copartners. Lib. 82.
- 3 No Customs or prescription shall ever prevail w^{ch} to maintaine
 any thing more thanly full. Lib. 69.
- 4 Civill Authorities may not deal wth any Church member, or officer,
 in away of Civill Justice. Lib. 59.
- 5 Publick Records are open to all Inhabitants. Lib. 48.
- 6 No man shall be twice sentenced by Civill Justice for y^e same offence
 Lib. 42.
- 7 No man shall be obliged to take any oath, or subscribe any Articles,
 Covenant, or Remonstrance, of a publick & Civill nature, but such as
 y^e Generall Court hath considered allowed & required. Lib. 3.

By this it may appeare y^e o^r politics & fundamentals -
 are framed according to y^e Lawes of England & according
 to o^r Charter. &c

PART SECOND:

BEING

THE ACCOUNT OF THE LEGISLATION FROM 1641 TO 1672,
INCLUDING THE TWO REVISIONS OF THE
LAWS IN 1649 AND 1660.

BIBLIOGRAPHY OF THE LAWS.

WE resume the history of the publication of the Laws, at the point mentioned on page 9, *ante*, viz.: immediately after the enactment of the Body of Liberties in October, 1641.

The General Court ordered June 14, 1642 (Records, ii. 21): —

“That the Governor [Winthrop], Mr. Bellingham and the Secretary, [Nowell] with the deputies of Boston, shall examine and survey the orders of this last Court, and perfect the same for the publishing.”

Also, (Records, ii. 22) “that such laws as make any offence to be capital shall forthwith be imprinted and published, of which laws the Secretary is to send a copy to the printer, when it hath been examined by Governor or Mr. Bellingham with himself, and the Treasurer to pay for the printing of them.”

September 27, 1642 (Records, ii. 28) “it is ordered, that every Court should have a copy of the laws at the public charge.”

May 10, 1643 (Records, ii. 39), “the former committee of magistrates and deputies are authorized and appointed to examine and perfect the Laws.”

March 7, 1643–4 (Records, ii. 58), the famous order was passed providing that the two houses should sit separately, each branch passing upon the orders forwarded from the other. This order will be found in full, *post*, p. 134.

March 7, 1643–4 (Records, ii. 61), the following vote was passed: —

“It is ordered that the Governor, [Winthrop] Mr. Dudley and Mr. Hibbens, these or any two of them, shall be a committee to consider of the Body of Liberties, against the next General Court, what is fit to be repealed or allowed, and present the same to the next Court.”

“Also the Magistrates residing at Ipswich, or any two of them, are appointed a Committee for the same purpose, that so the Court conferring both together may more easily determine what to settle about the same.”

“It is ordered that Richard Bellingham Esq. should finish that which was formerly committed to him about the perusing of the Book of laws, &c. and to present the same to the next Court.”

May 27, 1644, the Legislature adjourned to October 30th, but the Journal of the House of Deputies contains the report of the acts

of that branch during June. It appears (Records, iii. 6) that on June 7, 1644:—

“ It is ordered that Lieut. Sprague, Francis Chickering, Stephen Kingsley, Thomas Mekins, William Hilton, Joseph Batchelor, Mr. Steevens, William Ward, Lieut. Howard, William Eastowe, Thomas Brooke, Lieut. Johnson and Joseph Meadealle, are chosen a committee to examine the book delivered in by Mr. Bellingham, and compare it with the book of records, and return their objections and thoughts thereof to this house in writing.”

[William Ward was a deputy from Sudbury in 1644, but not later.]

May 29, 1644 (Records, ii. 69), it was ordered:—

“ That for the better building of shipping within this jurisdiction, and for the avoiding of many inconveniences which now both owners and builders are subject unto, there be a company of that trade, according to the manner of other places, with power to regulate building of ships, and to make such orders and laws among themselves as may conduce to the public good, if any shall appear the next Court and present laws for consideration.”

May 29, 1644 (Records, ii. 76-78). The Court established the commission of the Sergeant-major-general, Thomas Dudley. By its provision was made that

“ Yourself, together with the Council of War, shall have power to make such wholesome laws, agreeable to the word of God, as you shall conceive to be necessary for the well-ordering of your army, until the General Court shall provide for the same: which being sufficiently published, you, with the said Council, have power to put in execution, be it to the taking away of life or otherwise.”

November 13, 1644 (Records, ii. 89), “ it is ordered that all the several orders of general concernment agreed on this whole Court, shall be forthwith published to the several towns within this jurisdiction, and that the several towns shall procure a copy of them within three months, under the Secretary his hand.”

At the same Court (Records, ii. 91), there were presented the Answers of the Elders to certain Questions submitted to them. One question was, whether the magistrates were, in cases where no express law was provided, to be guided by the word of God. The answer was:—

“ We do not find that by the patent they are expressly directed to proceed according to the word of God: but we understand that by *a law or liberty of the country*, they may act in cases wherein as yet there is no express law, so that in such acts they proceed according to the word of God.”

Here the reference is plainly to Liberty No. 1, and this Liberty is republished, unaltered, in 1660, as the first section of the General Laws.

²² July 1, 1645 (Records, iii. 26), the Journal of Deputies has the following entry:—

“It is ordered that several persons out of each county shall be chosen to draw up a body of laws and present them to the consideration of the General Court at their next sitting.

“For the county of Suffolk, our honored Governor. [Dudley] Mr. Hibbens, Mr. Cotton, Mr. Mather, Lieut. Duncan and Mr. Prichard are chosen a committee to meet, confer together, and draw up a body of laws and to present them to the next session of this Court.

“For the county of Middlesex, Herbert Pelham, Esq., Mr. Nowell, Mr. Thomas Shepard, Mr. Allen, Capt. Cooke, and Lieut. Johnson.” were similarly appointed.

“For Essex, Richard Bellingham, Esq., Mr. Bradstreet, Mr. Nathl. Rogers, Mr. Norton, Mr. Ward, and Mr. Hathorne” were similarly appointed. [This Mr. Ward could not be William, as Sudbury was in Middlesex.]

In each case two magistrates, two ministers, and two deputies seem to have been appointed, except that in Essex, Mr. Nathaniel Ward seems to take the place of one deputy.

²³ October 1, 1645 (Records, ii. 128), it was voted

“Whereas this Court, in a former session, chose and appointed several honored members of this commonwealth as commissioners in their several shires, to meet together in some convenient place within each shire, to consult together, and to return to this Court a result of their thoughts, that this Court may proceed thereupon to satisfy the expectation of the country in establishing a body of laws; this Court thinks it meet to desire the persons in the order mentioned, at or before the 12th of November next, in their several shires to meet together; in Boston for Suffolk, in Cambridge for Middlesex, in Ipswich for Essex: and after their first meeting at the time and places above mentioned, by warrant from the Secretary to each committee of each shire, and then as often as they please, to appoint their own meetings for the accomplishment of the end so desired: and to make their return of what they shall do herein, to the next sitting of the General Court.

“In Captain Cooke’s room, at his request, Mr. Joseph Hill of Charlestown; in Mr. Allen’s room, Mr. Knowles; and Mr. Glover in Mr. Prichard’s room. They being out of the way, or shall be suddenly, — Mr. Symonds is

²² The corresponding entry in the Journal of the two houses is in Records, ii. 109, under date of May 14, 1645, and it varies only by saying that these three committees are to report to the next General Court. — W. H. W.

²³ The corresponding entry in the Journal of the Deputies is dated October 7, 1645 (Records, iii. 46-47). — W. H. W.

instead of Mr. Bellingham for Ipswich, because Mr. Bellingham now resides at Boston: and Mr. Bellingham to be for Boston, added to the former.

“ And the calling of each assembly to each place is in Mr. Bellingham for Boston, Mr. Pelham for Cambridge, and Mr. Symonds for Ipswich.”

The next step seems to have been the appointment of a small sub-committee to digest and arrange the work of the three general committees.

May 22, 1646 (Records, ii. 157), the following vote was passed:²⁴ —

“ This Court thankfully accepts of the labors returned by the several committees of the several shires, and being very unwilling such precious labors should fall to the ground without [that] good success as is generally hoped for, have thought it meet to desire Richard Bellingham, Esq., Mr. [Samuel] Symonds, Lieut. [Nathaniel] Duncan, Lieut. [Edward] Johnson, and Mr. [Nathaniel] Ward, to cause each committee's return about a body of laws to be transcribed, so as each committee may have the sight of the other's labors. And that the persons mentioned in this order be pleased to meet together, at or before the 10th of August, at Salem or Ipswich: and on their perusing and examining the whole labors of all the committees, — with the abbreviation of the laws in force which Mr. Bellingham took great store of pains and to good purpose in and upon the whole, — and make return to the next session of this Court: at which time the Court intends, by the favor and blessing of God, to proceed to the establishing of so many of them as shall be thought most fit for a body of laws amongst us.”

It will be remembered that this year was an anxious period for the colonists. Doctor Child and others had raised questions about the powers of the Legislature, and the answer of the General Court had been prepared for transmission to England. Although Winthrop says nothing about this matter of the publication of the laws, his journal shows that the community was excited and uneasy on the point. The above-named committee of six evidently did not work with sufficient promptness, and a change was desired.

Accordingly, ²⁵ November 4, 1646 (Records, ii. 168), the following order was passed: —

²⁴The Journal of the Deputies of May 20, 1646 (Records, iii. 74, 75), has the corresponding entry. It makes the revising committee to consist of Bellingham and Duncan, Nowell and Johnson, Symonds and Ward, thus adding Secretary Nowell to it. — W. H. W.

²⁵The Journal of Deputies of the same date (Records, iii. 84, 85) has this same order, somewhat abbreviated. — W. H. W.

“The Court being deeply sensible to the earnest expectation of the Country in general for this Court’s completing of a body of Laws for the better and more orderly wielding all the affairs of this Commonwealth; willing also to their utmost to answer their honest and hearty desires therein, unexpectedly prevented by multitude of other pressing occasions, think fit and necessary that this Court make choice of two or three of our honored Magistrates, with as many of the Deputies, to peruse and examine, compare, transcribe, and compose in good order, all the liberties, laws and orders extant with us; and further to peruse and perfect all such others as are drawn up, and to present such of them as they find necessary for us, as also to suggest what they deem needful to be added, as also to consider and contrive some good method and order, with titles and tables for compiling the whole: so as we may have ready recourse to any of them, upon all occasions, whereby we may manifest our utter disaffection to arbitrary Government and so all relations be safely and sweetly directed and protected in all their just rights and privileges; desiring thereby to make way for printing our Laws for more public and profitable use of us and our successors. Our honored Governor, [Winthrop] Mr. Bellingham, Mr. Hibbens, Mr. Hill and Mr. Duncan as a Committee for the business above mentioned, or any three of them meeting, the others having notice thereof, shall be sufficient to carry on the work.”

It will be noticed that only Bellingham and Duncan were retained of the former committee of six. Their powers probably expired with the term of the Legislature. At all events the next General Court revived and continued their powers by the following order, dated May 26, 1647 (Records, ii. 196): —

“The Court understanding that the Committee for perfecting the laws appointed by the last General Court, through streights of time and other things intervening have not attained what they expected, and on all hands so much desired, touching a body of laws, think meet and necessary that our honored Governor, [Winthrop] Mr. Bellingham, Mr. Hibbens, the Auditor General [Duncan], Lieut. Johnson,²⁶ and Mr. Hills be chosen as a Committee of this Court to do the same, according to the aforesaid order, against the next sessions in the 8th month or the next General Court.”

²⁶ In copying this entry Mr. F. C. Gray omitted the name of Johnson, doubtless not recognizing therein the author of “Wonder-Working Providence.” In the admirable reprint of that book, issued at Andover in 1867, under the care of William F. Poole, the editor has attempted to show that Edward Johnson was one of the most active and important members of the committee. The main argument is, that Johnson was on the committee appointed May 22, 1646, and on that of May 26, 1647, but was omitted on that of November 4, 1646; that the first and last committees were active and the second inactive; that hence this activity was owing to the presence of Johnson. But I fail to see that the first committee did anything, and Bellingham was undoubtedly the controlling spirit throughout. We shall see later that Joseph Hills of Malden was employed about the printed laws, and did all the clerical part of the revision. — W. H. W.

November 11, 1647 (Records, ii. 209), the following vote was passed: —

“The laws being to be put in print, it is meet that they should be conveniently penned: therefore it is desired that the committee for drawing up the laws will be careful therein; and to that purpose they have liberty to make some change of form, to put in apt words as occasion shall require, provided the sense and meaning in any law or part thereof be not changed.”²⁷

November 11, 1647 (Records, ii. 212), the following vote was passed: —

“It is agreed by the Court, to the end that we may have better light for making and proceeding about laws, that there shall be these books following procured for the use of the Court from time to time: —

Two of Sir Edward Cooke upon Littleton;
two of the Book of Entries;
two of Sir Edward Cooke upon Magna Charta;
two of The New Terms of the Law;
two Dalton's Justice of the Peace;
two of Sir Edward Cook's Reports.”

The next entry, at the same session of November, 1647 (Records, ii. 217-8), is as follows: —

“The laws now being in a manner agreed upon, and the Court drawing to an end, it is time to take order: 1. How all alteration of former laws may be without mistaking compared and fair written: 2d. That all old laws not altered be also written in the same copy: 3dly. That there be a Committee chosen for this business, to be made ready against the first day of the first month next, so as the Court of Assistants, if they see cause may advise for a General Court to prepare them for the press: 4thly. That there be large margins left at both sides of the leaf, and the heads of each law written on the two outsides thereof, and upon the other margent any references and scriptures or the like, and that these be written copywise. The Governor [Winthrop], Mr. Bellingham, Mr. Hill, Mr. Auditor [Duncan] and Mr. Ting are joined in this Committee to act according as in this paper is expressed.”

Here, again, the committee seems to be reconstructed, Johnson being dropped and Tyng substituted for Hibbens. The other four,

²⁷ This very important vote must be remembered in comparing the Laws of 1660 with the original records. This Revision of 1649, being approved by the General Court, took the place of former laws, and was undoubtedly taken over without change into the text of the Revision of 1660. It may even be that some law, or part of a law, was enacted for the first time in this Revision, if found to be necessary and acceptable. — W. H. W.

Winthrop, Bellingham, Duncan and Hills seem to have continued the work. The following order of the Court in March, 1647-8 (Records, ii. 227), shows that they had assistance in the clerical portion, and that two standard copies were prepared: —

“The Court doth conceive it meete that John Wayte of Charlestown Village, shall be allowed, out of the next country rate, for his writing, one book of the laws and for finding paper for both books, £4 ., 18 shillings.”

Also (Records, ii. 230), “The Court doth desire that Mr. Rawson and Mr. Hill compare the amendments of the books of laws passed, and make them as one; and one of them to remain in the hands of the Committee for the speedy committing of them to the press, and the other to remain in the hands of the Secretary, sealed up, till the next Court.”

Two months later, under date of May 10, 1648 (Records, ii. 239):²⁸ —

“It is ordered, the copy of the Laws in the two rolls, — which were (by order of the Court) sealed up, with intent that if hereafter any questions should arise about the copy now at the press, it might be examined by this, whereby the faithfulness of the committee might be tried; — and that the other copy (now remaining with Mr. Hill), — should forthwith be sent for, for the use of the Court.”²⁹

Later, at the same session, May 10, 1648 (Records, ii. 246), it was voted as follows: —

“Mr. Auditor [Duncan] and Mr. Hill to examine the laws now at press, and to see if any material law be not put in or mentioned in the table as being of force, and to make supply of them.”

In the Journal of the Deputies for³⁰ May 13, 1648 (Records, ii. 263), is the following item: —

“Ordered, that in the book of Laws, title Appeals, in the last line save one, (*just*) to be entered next before *charges*; and the Auditor General to see it entered in every book.”

²⁸ Compare Journal of the Deputies of May 13, 1648 (Records, iii. 125). — W. H. W.

²⁹ Mr. F. C. Gray notes that something seems to be omitted in this sentence. I think, however, by inserting two dashes as above, the sense is plain and the sentence grammatical. I apprehend that the phrase “and that the other copy” is in accordance with the custom of the times and “that” is a pronoun. Or it may be that the word “that” is merely superfluous. It seems evident that both copies were to be sent for to be used by the Court. — W. H. W.

³⁰ This same entry is in the Journal of the Deputies (Records, iii. 130). On the same page is a mention of certain propositions to be made to the United Colonies, and the entry is, “Proposition 3, page 24. This consisting of many branches and the Court not having time to consider their own laws and practice in the ease have deferred it to a committee to examine and to certify the next Court.” See the same entries in Records, ii. 263-4. — W. H. W.

In October, 1648, provision was made for transcribing in an alphabetical or methodical way, all laws, orders and acts of Court, contained in the old books, which were in force but not included in the printed revision.³¹

³¹ October 18, 1648 (Records, ii. 259, and iii. 141), the following important order was passed: —

“For the better carrying on the occasions of the General Court, and to the end that the records of the same, together with what shall be presented by way of petition &c, or passes by way of vote, either amongst the magistrates or deputies, may hereafter be more exactly recorded and kept for public use: —

It is hereby ordered, that as there is a Secretary amongst the Magistrates (who is the general officer of the Commonwealth, for the keeping of the public records of the same) so there shall be a Clerk amongst the Deputies to be chosen by them from time to time;

That, (by the Court of Elections and then the officers to begin their entries and their recompense accordingly) there be provided by the Auditor, four large paper books in folio, bound up with vellum and pasteboard, two whereof to be delivered to the Secretary and two to the Clerk of the House of Deputies, one to be a journal to each of them, the other for the fair entry of all laws, acts and orders &c, which shall pass the magistrates and deputies; that of the Secretary to be the public record of the country, that of the Clerk's to be a book only of copies.

That the Secretary and Clerk for the Deputies shall briefly enter into their journals, respectively, the title of all bills, orders, laws, petitions &c, which shall be presented and read amongst them, what are referred to committees, and what are voted negatively or affirmatively, and so for any addition or alteration.

That all bills, laws, petitions, &c., which shall be last concluded amongst the Magistrates, shall remain with the Governor till the latter end of that session; and such as are last assented to by the Deputies shall remain with the Speaker till the said time; when the whole Court shall meet together, or a committee of Magistrates and Deputies, to consider what has passed that session, where the Secretary and Clerk shall be present, and by their journals call for such bills &c, as hath passed either house:

and such as shall appear to have passed the magistrates and Deputies shall be delivered to the Secretary to record, who shall record the same within one month after every sessions; which being done, the Clerk of the Deputies shall have liberty, for one month after, to transcribe the same into his book.

And such bills, orders &c., that hath only passed the Magistrates, shall be delivered to the Secretary to keep upon file: and such as have only passed the Deputies shall be delivered to their Clerk to be kept upon file in like manner, or otherwise disposed of as the whole Court shall appoint.

That all laws, orders and acts of Court, contained in the old books, that are of force and not ordered to be printed, be transcribed in some alphabetical or methodical way, by direction of some committee that this Court shall please to appoint, and delivered to the Secretary to record in the first place in the said book of records, and then the acts of the other sessions in order accordingly, and a copy of all to be transcribed by the Clerk of the Deputies as aforesaid.

That the Secretary be allowed for his pains twenty marks per annum, and the Clerk of the Deputies ten pounds per annum, to be paid out of the treasury, till the Court shall appoint their recompense by fees or otherwise.”

Under date of Oct. 18, 1650 (Records, iv. part 1, p. 33), there is an entry showing that William Torrey had not then written up the Deputies' book. See also the references (Records, iv. part 1, p. 324; May 19, 1658, to various books of records, when the laws about Constables were collected and collated.

I am sorry to add that none of these various records and compilations of laws are now extant at our State House. The continuous record to 1686 exists and one volume (1644-1657) of the Journal of the Deputies. These are well known, having been printed by the State. Many of the original orders, papers, and minutes are in the files; but the ill-timed zeal of a former Secretary caused the dispersion of these papers into a new classified arrangement, and the continuity of the record is lost. I am informed that, in some cases, books of orders were cut apart and the items scattered into the various new receptacles. Possibly some of these books ordered in 1648 lasted intact for two centuries, to be improved out of existence in our days. — W. H. W.

³² October 27, 1648 (Records, ii. 262):—

“It is ordered by the full Court, that the books of laws, now at the press, may be sold in quires, at three shillings the book; provided that every member of this Court shall have one without price, and the Auditor-general and Mr. Joseph Hill; for which there shall be fifty in all taken up, to be disposed of by the appointment of this Court.”

May 2, 1649 (Records, ii. 273, and iii. 162), the following vote was passed:—

“Mr. Joseph Hill is granted, as a gratuity, ten pounds, to be paid him out of the treasury, for his pains about the printed laws.”

Finally we have the distinct evidence of Joseph Hills, as set forth below, that the Book of Laws was prepared by him, and put through the press under his supervision. Hills was a member of the House for Charlestown in 1647, and Speaker in that year. He represented Malden 1650-1656; removed to Newbury soon after, and represented that town in 1667; he died in 1688, aged 86 years. His petition will be found in Mass. Archives, vol. 47, p. 19. It is as follows:—

“In as much as it hath pleased the General Court to engage me in sundry great and weighty services in reference to all the generall laws here established, now in print for publique good: In consideration whereof as I conceive, a Gratuity of Ten pounds was Appointed me by the Treasurer, which as it holds forth the good acceptance of the Honored Court, I thankfully acknowledge, as duty binds me.

“Yet apprehending that my Great care, paynes and studies in these difficult Employments was not truly Informed or understood, I desire briefly to tender you an account thereof as follows.

1. “First it pleased the General Court to employ me in a shire Committee to draw up a Body of Laws in which I took unwearied pains, perusing all the Stat. Laws of England in [Pulton?] at Large, out of which I took all such as I conceived suitable to the condition of this Commonwealth: which with such others as, in my observation, experiences and serious studies I thought needful, all which I drew up in a Book, close written, Consisting of 24 pages of paper, in folio, which upon the Committee’s perusal, — viz. Mr. Noel, Mr. Pelham, Mr. Thomas Sheppard and myself, — I was Appointed to draw upp for the use of the Generall Court, which Book was by some means

³² The last clause of this order is printed in the form given in Records, iii. 144, it being rather more explicit. — W. H. W.

lost and could not be found. For further Improvement by another Committee of the Generall Court, viz. Mr. Bellingham, Mr. Nat. Ward, &c., whereupon Mr. Bellingham spake to me to help them to another coppie of the aforesaid Book, which in tender Respect to publique good, to the Honored Court and Committee, I did forthwith again Transcribe out of my First coppie, although it was in harvest time.

2. “After that, it pleased the Generall Court again to Ingage me in the perusing all the laws in the Books of Records, to Consider, Compare, Compose, and Transcribe all laws of publique Concernment, coppie-wise; all which I did draw upp together, and Drew upp in five Books or Rowls, which done were Examined by the Committee and presented to the Gen^l. Court.

3. “Thereupon I was Ordered by the Court to Transcribe the five Books afforesaid with some other new laws, all which (save onely a few the Auditor did), I, with Great care and vigilancie, performed, and frequented the press, and otherwise took care to Examine them during the Imprinting the same.

4. “Since which it pleased the Gen^l Court to Appoint me with some others to Compose and Transcribe the Second Booke of Laws, coppie-wise, which I also did; which after Examination by the Committee was also presented to the Gen^l Court, which were pleased further to Employ another Committee, whereof I was one, to fitt them for the press.

“In all which services in reference to publique good, I putt forth my selfe to the uttermost to the Great neglect of my personall and particular occasions, devoting my selfe thereunto for the most part of two years tyme (as neer as I can remember) the benefit whereof doth I hope verie manifestly Redound both to Court and Country, who doubtless upon a right understanding will not be unwilling to afford such Due encouragement and Recompense as services of such Importance and Advantage to the Countrie doth Require.

“Your Humble Servant,

“JOS. HILLS.”

“The Magistrates Referr the consideration of the Petition to their brethren the Deputies 27 May, 1653.

“EDWARD RAWSON, Secret.”

“The Deputies think meete to allow Mr. Hills ten pounds out of the next County rate in reference to what is herein exprest, if the honored Magistrates please to Consent thereto.

“WILLIAM TORREY, Cleric.”

“Consented to by the Magistrates hereto.

“EDWARD RAWSON, Secret.”

THE CODE OF 1649.

HAVING already traced the history of the legislation which culminated in the issue of the printed collection of general laws, in 1649, it seems proper to state what has been recovered concerning that volume. Although no copy, or even fragment of one, has been preserved, it is yet possible to form a very good idea of the main features of the book.

First, as to its date. In my Introduction to the reprint of the Laws of 1660, I cited this Code as that of 1649. The only certain dates that we have, show that May 10, 1648 (Rec. ii, 246) the book of laws was "at press"; and October 27, 1648 (Rec. ii, 262) the books were still "at the press." The General Court dissolved at this last date, and met again May 2, 1649. We have thus no official statement as to the month in which the completed volume was issued. In my former Introduction, I assumed the date of 1649, mainly on my understanding of the wording of the title-page of the edition of 1660. This reads as follows "The Book of the General Laws and Libertyes concerning the inhabitants of the Masachusets, collected out of the Records of the General Court, for the several years wherein they were made and established, and now Revised by the same Court, and disposed into an Alphabetical order, and published by the same Authority in the General Court holden at Boston, in May 1649."

Knowing, as we do, that the Laws of 1660 conformed closely to the pattern of the earlier edition, since that code was also in "alphabetical order" and had a preface, it seemed reasonable to imagine that the title-page of 1660 was substantially the same as that of 1648, and that the phrase "published . . . in May 1649," was copied therefrom.

Dr. George H. Moore, of the Lenox Library, has, however, issued a pamphlet entitled "Memoranda concerning the Massacha-

setts Laws of 1648," and makes the rather startling suggestion that this date on the title-page of 1660 is a misprint for May, 1659, and refers to the issue of the Code of 1660.

This seemed plausible; but I find no such "publishment" of that Code by the Court of May, 1659. October 19, 1658, it was ordered that the new code "shall forthwith be printed," and this order is directly referred to on page I of the Laws of 1660. The order then proceeds to direct that "the preface to the old law book, with such alterations as shall be judged meet by the Governor [Endecott] and Major-General [Denison], be added thereunto and presented to the General Court to be approved of." It is true, as Mr. Moore states, that in the Massachusetts Archives, Vol. 47, p. 35, there is preserved the manuscript copy of this revised Preface, endorsed "*Preface to the Lawes, p^r Curiam, 1659.*" and at the bottom the usual official endorsement:—

"The magis^{ts} haue past this with reference to the Consent of their brethren the deput^s hereto

Edward Rawson, Secret'y

14 May, 1659

The depts. Consent hereunto

Tho. Savage, Speaker."

This action is evidently that contemplated by the above order of October, 1658, and is *not* entered on the Journal of the General Court. The question is, whether this action upon the Preface can be construed as a legislative act, by which the laws were "published by the same Authority in the General Court holden at Boston in May, 1659." Mr. Moore seems very confident of this, but I cannot assent to it, because it would convict Secretary Rawson and all the other revisers of this edition, of gross carelessness upon the very title-page of their most important official publication. I have met with many errors of the press in both editions of the Laws, but I must decline to add this example to the number. Moreover the issue of 1660, page I, says expressly "The General Lawes of the Massachusetts Colony, revised and *published* by order of the General Court in October 1658." Dr. Moore's theory would make the title-page flatly contradict this, and say "*published* by the same authority in the General Court holden at Boston, in May, 1659."

At present I can only say that neither in May, 1649, nor in May, 1659, is there any entry on the Journal of any "publication" of either edition. But the first Code was undoubtedly ready in print in May, 1649, while the Code of 1660 was not ready in May, 1659, and in fact was not issued till after May 31, 1660; and the Legislature expressly stated, October 16, 1660, that the "said impression of the laws shall be of force after the expiration of thirty days from the date of these presents."

Dr. Moore also cites Johnson's *Wonder-Working Providence*, (London, 1654), and Josselyn's *Observations* (London, 1674), as authorities, who state that the Laws were printed in 1648. Their words, however, do not meet the point at issue, viz., whether or not the Court of May, 1649, made a formal publication of the code. We all agree that the book was in the press early in 1648, and was in process during that year. As to Gov. Hutchinson, also cited by Dr. Moore, his opinion is worthless; since as I have already shown (*ante*, p. 11), Hutchinson thought that Cotton wrote our Body of Liberties.

I must, therefore, persist in thinking that the title-page of 1660 means what it says, that the formal sanction was given in May, 1649; though as I have shown, the printing was begun and probably nearly finished during 1648; and that the title-page was allowed to stand substantially unaltered. A similar instance of blindly following an older copy is shown in the Revision of 1672. That has a new title, but page 1 begins, just like the code of 1660, with the words "The General Laws . . . revised and published by order of the General Court in October 1658," ignoring the orders of 1670, 1671, and 1672 which authorized this edition.

We will next consider the matter of the probable form and size of this Code. It was, of course, printed at Cambridge, that being the only establishment in the Colony.

This press was given by Josse Glover, aided by some gentleman of Amsterdam. From an interesting essay by A. M. Davis, esq., in the Proceedings of the American Antiquarian Society for April, 1888, I learn some new facts about this press. Glover died on his passage hither, and his widow married Dunster. Glover's heirs sued Dunster, and thus we learn something of the books printed. It seems that Glover had a claim against the press for

some twenty pounds for expenses, and Dunster also improved it. The actual work was done first by Steven Day, and then by Samuel Green. Dunster sold the press, or rather his claim, to the College when he removed, which was in April, 1655. He was President from 1640 to his dismissal, for doctrinal errors, Oct. 24, 1654.

In the papers connected with the lawsuit are notes about some of the books he printed, and of these the following concern our subject:—

The Freeman's Oath.

The Capital Laws.

The Law Book, 17 sheets, 600 copies, using 21 reams of paper. Sold at 17 pence a book, £42.. 10.. 00. The printing cost £15.. 16.. 03, and the paper £5.. 05.. 00.

This, of course, was printed by Day late in 1648, and was the edition cited as the Laws of 1649. The items correspond very well with the similar entries about the Psalm Book, viz., 33 sheets, 1,700 copies, sold at 20 pence each, amounting to £141.. 13.. 04. Printing, £33.. 00.. 00, paper, 116 reams, £29.. 00.. 00.

It will be seen that the Laws, 17 sheets and 600 copies, would take 10,200 sheets; and the Psalms, 33 sheets and 1,700 copies, would require 56,100 sheets. The ratio is exactly that of the paper specified, viz., 21 reams and 116 reams. I believe a printer's ream was then $21\frac{1}{4}$ quires, and 21 reams would be 10,836 sheets.

The Psalm Book, from remaining examples, we know was printed eight pages to a sheet, size of page $6\frac{1}{4}$ by $3\frac{3}{8}$ inches. There are 37 sheets, including two of preface. The Laws of 1660 are eight pages to a sheet, each 9 by $5\frac{1}{2}$ inches. It seems impossible that the Laws of 1649 could have been printed on as small pages as the Psalms, and, as we have to take either four or eight pages to the sheet, I infer the Laws were four large pages. In this case the 17 sheets would give 68 pages, which would agree very well with our estimate of 56 pages for the text, and allow some pages for title, preface, and table or index. As before argued, it seems impossible that there were twice as many pages in the book, and yet no citations can be found of a page later than page 58 as the extreme.

There is also an entry for Laws, printed after Green took the press, 5 sheets, cost of paper, £1.. 05.. 00; of printing, £5.. 00.. 00. This may have been some of the special laws, or Supplements.

It seems, indeed, surprising, if we have interpreted these entries correctly, that 600 copies should have been printed of the Laws of 1649, and all have disappeared. But if 1,700 copies of

the Psalms were printed, the extreme rarity of extant copies is perhaps equally remarkable, especially as more persons would keep the psalm-book than would care for the Code.

We have already (*ante*, p. 79) shown that fifty copies of the Code were taken for the Legislature, and that the rest were ordered sold at three shillings each. The following petition from Massachusetts Archives, Vol. 58, p. 18, shows that a certain portion was turned to waste-paper or burnt. As Mr. Russell, the Treasurer, estimated his loss at £10, this sum would pay for seventy copies or thereabouts. It is fair to presume that he had a discount in buying a large quantity, and I notice in Mr. Davis's notes already cited, that it is stated that the Law Books "sould at 17^d a booke." As the Court fixed the price at three shillings, this other price may represent Russell's purchase, or may be an average of all. It will be safe to say that at least one-quarter of the edition was destroyed before A. D. 1651.

[Mass. Archives, Vol. 58, p. 18.]

"To y^e Honored General Court, consisting of Magistrats & deputies

Humbly Showth Whereas By ye Courts Incomradgment I purchased ye Last printed Law Bookes, and by reason of y^e Courts Alteration of sume things In those bookes made them unvendible Insomuch that your petitioner Lost above Tenn powns, a great pt. Turned to wast pap'r and many of them Burnt, your Petitioner desires this Court would Tenderly Consider y^e same And accordingly releve your petitioner heerin, soe hee shall thankfully remayne

22. 3. 51.

Your servant Richard Russell."

May 13, 1651 (Records, iv, part 1, p. 50), voted as follows:—

"In answer to the petition of Mr. Richard Russell for his allowance in the late law books, which was occasioned by the Court's alteration of some things therein etc., it is ordered, that in consideration of those losses mentioned in the petition and other that he hath lately sustained, he shall have allowed him twenty pounds out of the next rate."

The Preface to the edition of 1660 bears witness to the then scarcity of the earlier book, as it begins "the Book of Lawes, of the first Impression, not being to be had for the supply of the Country, put us upon thoughts of a second."

Mr. Thorowgood was probably not the only English friend who received a copy, and we may still hope that an example remains in some library in England, to appear at some unexpected moment.

We may now proceed to consider the contents of this first printed Code, and the amount of information recoverable is quite remarkable. The Preface to the Code of 1660 says "such Lawes of a general nature as have been made since the first Impression, till this present, and are yet in force, are placed under the former heads, in an Alphabetical order, which method being at first taken up (though perhaps not the most exact) hath this convenience and ease," etc., etc. Again it states "the former Epistle tells you there would be need of alterations and additions."

We therefore know that the first Code was arranged alphabetically under titles, in the same manner as in the later editions; it is certain, however, that these titles were altered in 1660 in some cases, and that some sections or even titles were dropped in 1660. It is also certain that in preparing the Code of 1649 some changes were made in the laws themselves as originally passed and entered on the Journal.

The first and highest authority for the contents of the first edition will be found in the citations made immediately after 1649 in the proceedings of the General Court.

The neighboring colonies of Connecticut and New Haven promptly availed of our Code of 1649 in preparing their respective laws. Connecticut established a Code by vote of May, 1650, and many sections are exactly the same as those in our Body of Liberties and our Revision of 1650. This Code is printed in the Records of Connecticut, Vol. 1, p. 509-563, edited by J. H. Trumbull, Hartford, 1850.

New Haven published her Code at London in 1656, and it is reprinted in the second volume of the Records of New Haven Colony, edited by Charles J. Hoadley, printed at Hartford in 1858. The Code states (p. 571) that in preparing these Laws, Liberties, and Orders "they have made use of the Laws published by the Honourable Colony of the Massachusetts." Herein, again, we find literal transcripts from our Body of Liberties and our Laws.

The following extracts from the printed edition of our Records contain, it is hoped, all the matters useful for our purpose:—

LIST OF REFERENCES.

1. May 2, 1649 (Records, ii. 281), "Forasmuch as the printed law concerning Dowries appears not so convenient as was formerly conceived" it is ordered "that these words in the 14 line of that order" be amended.³⁴

1.* October 17, 1649 (Records, ii. 287), "the printed law for Elections in page 51, bearing date 1647, is hereby repealed."

2. May 22, 1650 (Records, iv. part 1, p. 4), "whereas the law concerning fencing against great cattle, folio 7. — Harms done by Great Cattle in Fenced Ground shall be viewed and judged. — for explanation whereof this court declareth and ordereth," etc., etc.

2.* May 22, 1650 (Records, iv. part 1, p. 5), "for explanation of that part of the printed law entitled Military Affairs, s. 10," etc.³⁵

3. June 19, 1650 (Records, iv. part 1, p. 19), "for explanation and addition of the law, title Profane Swearing," a new law was passed punishing any one for multiplying profane oaths.³⁶

4. It appears by a reference, 21 June, 1650 (Records, iv. part 1, p. 20) that the "law, title Gaming, 1646, 1647," is amended by prohibiting bowling or any other play or game in public houses under the same penalties as are "provided for in the aforesaid game of shovel-board."³⁷

³⁴The New Haven Code (p. 587) has the title Dowry just like ours of 1660, omitting the clause (lines 17 and 18), "signified by writing under her hand and acknowledged before some magistrate or others authorized thereunto, which shall bar her from any right or interest in such estate." The New Haven law says that this law shall not apply to any transaction "before this law was published;" and our Code of 1660 says, "before the last of November, 1647." Hence I imagine the New Haven law is substantially ours of 1649. — W. H. W.

³⁵This section will be found Records, ii. 222, and reads: "The Surveyor-general hath power to sell any of the common arms where he sees occasion." As it was repealed in 1650, it is not in the Code of 1660. It is the tenth section of the law of November 11, 1647, which was to stand together with two laws of 1645, and all others were repealed. Of course these last-named laws formed the title in our Code of 1649; but Connecticut and New Haven had very different laws. — W. H. W.

³⁶The original law was passed November 4, 1646 (Records, ii. 178), and it is copied exactly in the Connecticut code. But in the revision of 1660, the two laws of 1646 and 1650 are printed, and their place is changed to "Swearing and Cursing," or under letter S instead of letter P. No doubt the Connecticut example shows the law of 1649. — W. H. W.

³⁷The law against playing shovel-board was passed May 26, 1647 (Records, ii. 195), and is copied almost word for word in the Connecticut code.

But in the revision of 1660 reference is made to laws passed in 1646, 1647, and 1651, and we find that the new title, Gaming, includes "Shovel-board, Bowling, or any other play or game;" also a section against gaming for money, passed November 4, 1646 (Records, ii. 180), and one in regard to dancing in public houses, passed May 7, 1651 (Records, iv. part 1, p. 40).

Now the Connecticut law adds at the end the clause, "The like penalty shall be for playing in any place at any unlawful game," — which clearly was not in the Massachusetts Laws of 1649, as if there, the addition made in 1650, above noted, would have been unnecessary. But I suspect that the law of 1646, against gaming for money, was not in the revision of 1649, as it is most unlikely that the Connecticut law-makers would have stricken it out. Hence I conclude that in 1649 the title Gaming stood just as in the Connecticut code, except the last line. — W. H. W.

5. June 22, 1650 (Records, iv. part 1, p. 22), it was ordered that recording a sale, mortgage, etc., of houses or lands with the records of the shire shall be sufficient "without any further certifying unto the recorder or secretary for the General Court, and that clause in the close of the printed laws, title Conveyances Fraudulent, page 14, requiring the same, is hereby repealed."³⁸

6. June 22, 1650 (Records, iv. part 1, p. 23), the Court answered a question "whether by that clause of the law entitled Innkeepers" a certain person was liable to a fine.³⁹

7. Records, iv. part 1, p. 26, October 15, 1650, "the former law, title Women, is hereby repealed."⁴⁰

8. May 7, 1651 (Records, iv. part 1, p. 40), "the former law provides, title Cask and Cooper, page the sixth," etc., and is now amended by adding a penalty for defective casks, and a penalty also on any town neglecting to appoint a gauger.⁴¹

³⁸ The Connecticut code throws no light on this, as under this title it merely prints the two sections about covenous alienation and papers signed under duress.

Section 4 under this title in Laws of 1660 is referred to laws in 1641 and 1642. I fail to find either, but October 7, 1640 (Records, i. 306), the law was passed which is incorporated, partly literally, in this section. At that time there were to be three recorders, and apparently all entries were to be certified every six months to the recorder at Boston. See also Rec. i. 276, where the Recorder has a fee for "receiving the books of men's houses and lands from the towns" — W. H. W.

³⁹ I feel very sure that the Connecticut code gives our law of 1649, except the section obliging towns to provide one ordinary in each, which was a local law. All the other provisions are to be found in our law of 1660, though in the latter edition are many later sections. But those copied in the Connecticut code are substantially the ones passed here May 14, 1645 (Records, ii. 100) and November 4, 1646 (Records, ii. 172), and they are mostly marked in the margin L. 1, p. 20. — W. H. W.

⁴⁰ The new section refers to a man striking his wife, or a woman her husband. The new form is in our Code of 1660, under title "Marriages," p. 51. I do not find the original section in Conn. or N. Haven code, but it was doubtless the same as Liberty No. 80, which E. Hutchinson considers as covered by the title "Marriages." — W. H. W.

⁴¹ The law as it stands in 1660 refers to acts of 1641, 1647, 1651, and 1652. I have already (*ante*, p. 25) shown that no law of 1641 is found, but Sept. 27, 1642 (Records, ii. 29), a law was passed as follows: "That all vessels of cask used for any liquor, fish or other commodities to be put to sale shall be of London assize and that fit persons shall be appointed from time to time, in places needful, to gage all such vessels or casks; and such as shall be found or due size shall be marked with the gauger's mark and no other; and he shall have for his pains four pence for every tun and so proportionably; and it is ordered that Mr. Will Aspenwall, Mr. Venner and Thomas Boarman shall be gaugers of cask for this year, and till others be chosen in their room. The gauger's mark shall be 'G.'" — W. H. W.

Now the Connecticut code agrees entirely with the first order, word for word, except that it begins "that all cask used for Tar or other commodities to be put to sale shall be assized as follows: viz: every cask commonly called barrels or half hogsheds shall contain twenty-eight gallons wine measure and other vessels proportionable." These words seem to define the term "London assize." It also adds "that every cooper shall have a district brand-mark on his own cask, upon pain of forfeiture of twenty shillings in either case and so proportionably for lesser vessels."

The substance of this last order is in our revision of 1660, but I fail to find it in our Records, either in 1647 or any other year.

I infer, therefore, that 1647 is a misprint for 1649, and that the Connecticut code gives exactly the form in which our law stood in that edition; as it is evident that in 1649 this law was collated and received verbal changes. Compare the New Haven Code, which keeps the term "London assize," and adds also the penalty if the cooper omits to brand. — W. H. W.

9. May 7, 1651 (Records, iv. part 1, pp. 41-42), "for explanation of some words in the printed law, entitled Leather, viz. in that section in the margent entitled Searchers sworn their Duty, by the words (line the fourth) to make search and view within the precincts of their limits," etc., etc. Also "concerning those words in the section on the margin entitled Well tanned and dried, penalty, line the fifth," etc., etc. Also "concerning the last words entitled Triers of Leathers seized," etc., etc.⁴²

10. May 26, 1652 (Records, iv. part 1, p. 79) an addition is made to the law "as is directed for bread, by order of Court, page 3, title Bakers."⁴³

11. May 26, 1652 (Records, iv. part 1, p. 82), "whereas there is a manifest and inconvenient mistake in the penning of the order, title General Court, page the 8th of the last printed book," etc., etc.⁴⁴

12. May 26, 1652 (Records, iv. part 1, p. 84), ordered, "that the printed order about money shall be in force until the first of September next, and no longer."⁴⁵

13. May 26, 1652 (Records, iv. pt. 1, p. 88), "as enjoined by law, title Military, p. 39."

14. Oct. 19, 1652 (Records, iv. pt. 1, p. 106). "Whereas by the law, title Military, page 42, section 6, every captain," etc.⁴⁶

⁴² Here the Connecticut and New Haven codes are very brief. But the full references above show that our law of 1649 must have been much like that of 1660. — W. H. W.

⁴³ This means of course the Printed Laws, as in 1660 we find on p. 4 this title, and at the end of it this section as passed in 1652. The New Haven law is almost identical with our law of 1660 (omitting the last section), except that ours has a little clause (p. 5, lines 10 and 11) applying also to butter. I do not find the law authorizing this, and I doubt if it would have been dropped by the New Haven men. Hence I infer it was not in the law of 1649, but was added in 1660. — W. H. W.

⁴⁴ This error evidently refers to a law passed October 18, 1650 (Records, iv. part 1, p. 35). This law refers back to law 283, which is the marginal number for a law passed March 3, 1635-6 (Records, i. 169, 170). This primitive law regulated a disagreement between the two houses, where the greater part of each house held its own opinion. In 1650, as above noted, this was declared to mean the greater part of those present and voting. In 1652 this last law was repealed, and it was declared that when there was a difference it should be "determined by the major part of the whole court." Palfrey, iii. 42, says that this means the whole court sitting together, and not action by concurrent votes.

The meaning of the phrase "the last printed book" will be hereafter discussed. — W. H. W.

⁴⁵ Here follows a long order establishing the Mint at Boston and making its coin, together with English money, the only legal tender. I presume that the title "Money," in the Code of 1649, was a copy of the law passed Sept. 27, 1642 (Records, ii. 29), which is as follows: —

"Ordered that the Holland ducatour, worth three guilders, shall be current at six shillings in all payments within our jurisdiction; and the rix-dollar, being two and a half guilders, shall be likewise current at five shillings: and the ryall of eight shall be also current at five shillings."

Connecticut had a similar act, but not in its Code. Wampum or Peage was also at times a legal tender, but our law is to be found under those titles. — W. H. W.

⁴⁶ These two references to the title Military show that it covered at least pp. 39-42 in the Code of 1649; and I have already shown that there was a section 10 (see *ante*, p. 87,) in this printed law. — W. H. W.

15. Same date (Records, iv. pt. 1, p. 105), "as is provided in the printed law, page first,"—in regard to actions triable in any court, etc.⁴⁷

16. Same date (Records, iv. pt. 1, p. 107), "The late order about swine is repealed and the printed law is in force in that respect."⁴⁸

17. May 18, 1653 (Records, iv. pt. 1, p. 134), the question was decided as to what was meant "by the law, title Weights and Measures."

18. June 2, 1653 (Records, iv. part 1, p. 150), reference is made to "the law, title Masters and Servants," etc., etc.

19. August 30, 1653 (Records, iv. pt. 1, p. 151), a committee was appointed to examine the Treasurer's accounts, etc., "according to the law, page 26, in the second book."⁴⁹

20. August 30, 1653 (Records, iv. part 1, p. 152), reference is made to "the law, title Impost, page 27."

21. May 3, 1654 (Records, iv. part 1, p. 184), "whereas experience hath manifested some inconvenience in the interpretation of the law, title Appeals, the second printed book, page 1, "wherein it is expressed that all appeals shall be accounted in the nature of a writ of error."⁵⁰

22. November 24, 1654 (Records, iv. part 1, p. 218), "whereas this Court hath laid an impost on wines imported into any part of this jurisdiction, as in title Impost, in the first printed book,⁵¹ appears," etc., etc.

23. May 14, 1656 (Records, iv. part 1, p. 259), "the Treasurer cannot send forth his warrants to them, as is provided by the law, Charges Public, page the 9th," etc., etc.

⁴⁷ This would be under title "Actions," and naturally stand on page 1. — W. H. W.

⁴⁸ The title Swine is found in 1660, and evidently, by the citation, it was in the Code of 1649. — W. H. W.

⁴⁹ The title "Treasurer," in the Code of 1660, cites laws of 1648, 54, 57, 58. I suppose the printed law here above cited was that passed May 10, 1648 (Records, ii. 244). The citation p. 26 of the second book, as it stands printed in Shurtleff's edition, would be exceptional, if that book, as we have already concluded, did not exceed 16 pages. An examination made by Mr. C. B. Tillinghast, State Librarian, shows that the original is doubtless 16, the corresponding figures where they occur as 1653 having the same peculiar "1" easily to be confounded with a "2." — W. H. W.

⁵⁰ This law was passed May 2, 1649 (Records, ii. 279). "to be published forthwith but not to be of force till after the end of the next Quarter Court." It was evidently not in the Code of 1649, but stood on page 1 of the Supplement, or second printed book. I would here note that it is section 2 of title Appeals in the Laws of 1660; and also that section 3 is wrongly cited in the margin as passed in 1643. That section is the law of August 30, 1653 (Records, iv. part 1, p. 152), and at the end of this title in 1660 the citation is 1642, 47, 49, 50, 53, and 54. — W. H. W.

⁵¹ The meaning of the first and second printed books will be hereafter discussed. — W. H. W.

24. May 6, 1657 (Records, iv. part 1, p. 291), "whereas the clause in the law, page thirty-two, mentioning evidence, is obscure, — the jury may bring in a *non licquet*, — which words hath occasioned much trouble and delay in civil proceedings, this Court doth hereby repeal that clause," etc.⁵²

25. May 26, 1658 (Records, iv. part 1, pp. 335 and 336), "that the freemen within their several towns have liberty and power according to the last law or order entitled Townships."

"For explanation and emendation of two laws in the printed book, title Townships," etc., etc.

26. October 19, 1658 (Records, iv. part 1, p. 347), in regard to electing magistrates annually, "and that clause of the printed law enjoining the nomination of twenty persons is hereby repealed," etc., etc.

27. May 11, 1659 (Records, iv. part 1, p. 366), in regard to persons aiding the Quakers, etc., "the Court, on perusal of the law, title Arrests, resolve, that the Treasurers of the several counties are and shall hereby be empowered to sell the said persons to any of the English nation at Virginia or Barbadoes."

⁵² This is a most interesting matter, but I will first explain the text. In the Code of 1660, under title "Jurors," § 2, we find a marginal citation, L. 1. p. 47, and the text establishes Grand Jurors according to the law of March 4, 1634-5 (Records, i. 143). Then follows the clause about jurors not being bound to reveal secrets which do not affect the state, which is Liberty No. 61. Both of these probably were in the Code of 1649, and next to them doubtless stood Liberty No. 31, (the subject of the above amendment in 1657), which allowed the jury in case of doubt to give a *non-liquit*, or a special verdict which left the judgment to the Court.

I do not see why the reference is to Liber 1, p. 47, as the text above is p. 32. But there are so many misprints in our Codes that I suspect this to be one, especially as the page on which it stands in 1660 is numbered 47.

Moreover the marginal references in 1660 are to Lib. 1, p. 32 and p. 31 against the sections preceding and following this very entry of L. 1. p. 47. We have already seen that in the printed laws of 1649 the title "Military" covers pp. 39-42, and the title "Jurors" must have come earlier.

But the whole order in 1657 is worth printing as showing the belief, even then, in the right of juries to judge of the law as well as the facts. It reads: —

"Whereas, in all civil cases depending in suit, the plaintiff affirmeth that the defendant hath done him wrong, and accordingly presents his case for judgment and satisfaction, it behooveth both Court and jury to see that the affirmation be proved by sufficient evidence, else the case must be found for the defendant: and so it is also in a criminal case; for, in the eye of the law, every man is honest and innocent unless it be proved legally to the contrary. All evidence ariseth partly from matter of fact and partly from law or argument. The matter of fact is always feasible to be judged of as well by the jury as by the Court; and concerning the law, or the point of law, in reference to the case in question, it is either more easy and generally known, or more difficult to be discerned. The duty of the jury is, if they do understand the law to the satisfaction of their consciences, not to put it off from themselves, but to find accordingly; but if any of the jury doth rest unsatisfied what is law in the case, then the whole jury have liberty to present a special verdict, viz. : if the law be so or so in such a point, we find for the plaintiff. — but if the law be otherwise, we find for the defendant: — in which case the determination is left to the Court."

Then follows the repeal of the old law and the Court "directeth according to what is above expressed for the future." — W. H. W.

28. May 31, 1660 (Records, iv. part 1, p. 420), the Court declares "that no man whosoever shall be admitted to the freedom of this body politic but such as are members of some church of Christ, and in full communion, which they declare to be the true intent of that ancient law, page the 8th of the 2^d month, anno gr. 1631."⁵³

The following table gives the marginal citations in the edition of 1660 which are credited to Liber I. The variations from a strictly alphabetical arrangement may be explained by a change in the title according to the views of the editor in 1649 and the later issue. It seems probable that we must resort to the idea of misprints to account for pages 57 and 58 under the title "Marshal," as "Watching" and "Wills" were on pp. 52 and 53:—

CITATIONS IN THE EDITION OF LAWS IN 1660, FROM LIBER I.

1660.	Title.	Liber I.	1660.	Title.	Liber I.
P. 2,	Actions,	do. p. 16.	P. 41,	Indians,	do. p. 28.
	do.	do. p. 49.	42,	do.	do. p. 28.
1,	Attachments, Summons,	do. p. 49.	44,	Junkeepers,	do. p. 30.
11,	Cattle, Trespass,	do. p. 51.	45,	do.	do. p. 30.
12,	Criminal Cases,	do. p. 46.	47,	Jurors,	do. p. 32.
16,	Constable,	do. p. 46.		do.	do. p. 47. [?]
20,	Conveyances,	do. p. 16.	48,	do.	do. p. 31.
22,	Courts,	do. p. 16.	52,	Marshal,	do. p. 38.
	do.	do. p. 36.		do.	do. p. 57. [?]
	do.	do. p. 24.	53,	do.	do. p. 58. [?]
23,	do.	do. p. 14.		do.	do. p. 10.
	do.	do. p. 15.		do.	do. p. 45.
	do.	do. p. 36.	66,	Powder,	do. p. 45.
24,	do.	do. p. 15.	67,	Punishment,	do. p. 50.
	do.	do. p. 36.	68,	Records,	do. p. 47.
31,	Fines,	do. p. 38.	73,	Strangers,	do. p. 23.
	do.	do. p. 22.	74,	Sureties (Courts),	do. p. 15.
33,	Freemen,	do. p. 23.	79,	Watching,	do. p. 52.
34,	Heresy,	do. p. 2.	81,	Wills,	do. p. 53.
40,	Impress,	do. p. 9.			

⁵³ In the Code of 1660 this section has a marginal citation of L. 2, p. 8. It precedes a clause declaring that church-members are not exempt from public service as officers, which is cited as L. I, p. 23. — W. II. W.

Next in importance is a contemporaneous citation of several sections of our Code, first brought to light by Dr. Moore in his recent pamphlet. They are found in a book entitled as follows: "Jewes in America, or Probabilities that the Americans are of that Race. With the removall of some contrary reasonings and earnest desires for effectuall endeavours to make them Christian. Proposed by Tho. Thorowgood, B. D., one of the Assembly of Divines. Cant. 8. 8. Mat. 8. 11. London. Printed by W. H. for Tho. Slater and are *be to* [sic] sold at his shop at the signe of the Angel in Duck lane. 1650." Small sq. 8vo, pp. about 180. A copy is in the Boston Public Library.*

"I shall transcribe some things out of their owne late printed Booke of the Lawes and Liberties concerning the Inhabitants of Massachusetts, by which their love to truth, godlinesse, peace, and learning will be evident, together with their liberall and enlarged care to propagate the eternall Gospell of our Lord among the Natives.

"At the title of heresie (c) this is the preface. Although no humane power be Lord over the faith and consciences of men, and therefore
 c p. 24. may not constraine them to believe or professe against their consciences, yet because such as bring in damnable heresies, tending to the subversion of the Christian Faith, and the destruction of the soules of men, ought duly to be restrained from such notorious impiety, it is therefore ordered and decreed by this Court:

"That if any christian within this jurisdiction shall goe about to subvert and destroy the Christian Faith and Religion, by broaching or maintaining any damnable heresie, as denying the immortality of the soule, or the resurrection of the body, or any sinne to be repented of in the regenerate, or any evill done by the outward man to be accounted sinne, or denying that Christ gave himselfe a ransome for our sinnes, or shall affirme that wee are not justified by his

* The following citation from p. 78, though not directly pertinent to our inquiry, may be worth notice owing to the date:—

"To the Westerne Plantation, indeed, at first men of meane condition generally resorted, but soon after people of better ranke followed; divers of good families and competent estates went into *Virginia* and settled in some Islands thereabouts, but because those of New-England pretended more to Religion than the rest, they are more loaden with uncivill language, but most injuriously; for the transplanting Novangles were many of them severally eminent, some of noble extract, divers Gentlemen descended from good Families; their first Charter mentions three Knights, among other men of worth; and it seemes their example, or somewhat else, was like to prevaile with many others of no meane condition, so that eleven of the then Privy Counsell directed their letters in *December*, one thousand six hundred thirty foure, to the Warden of the Cinque ports, taking notice that severall persons went over with their families, and whole estates, forbidding subsidy men, or of the value of subsidy men, to be imbarqued without speciall licence and attestation of their taking the Oaths of Supremacy and Allegiance, submission also to the Orders and discipline of the Church of *England*: And three yeeres after, *viz.* one thousand six hundred thirty seven, a proclamation issued from the King to the same purpose, and in the same words."

death and righteousnesse, but by the perfection of their owne workes, or shall deny the morality of the fourth Commandement, or shall endeavour to seduce others to any the heresies aforesaid, every such person continuing obstinate therein after due meanes of conviction shall be sentenced to banishment.

1646. And before (*d*) having said, that the open contempt of Gods word, and the messengers thereof is the desolating sinne of civill States, &c. It is therefore ordered, and decreed, That if any christian, so called, within this jurisdiction, shall contemptuously behave himself towards the word preached, or the messengers thereof—either by interrupting him in his preaching, or by charging him falsely with any error, which he hath not taught, or like a son of *Korah* cast upon his true doctrine, or himselfe, any reproach—every such person or persons (whatsoever censure the Church may passe) shall for the first scandall be convented and reprov'd openly by the Magistrate at some Lecture, and bound to their good behaviour; and if a second time they breake forth into the like contemptuous carriage, they shall either pay five pounds to the publique treasury, or stand two houres openly upon a blocke or stoole foure foot high on a Lecture day with a paper fixed on his breast, written in capitall letters, AN OPEN AND OBSTINATE CONTEMNER OF GODS HOLY ORDINANCES, that others may feare and be ashamed of breaking out into the like wickednesse. 1646.

“ There be some in this *England* that account it piety and Religion to speake evill of Christs Ministers, and cast off his Ordinances; now blessed of God from heaven and earth be our Novangles, Magistrates, Ministers, and people that have so seasonably witnessed against these abominations.

“ They are great lovers of peace and government, these therefore be their words in another place; (*e*) For as much as experience hath plentifully & often proved that since the first rising of the Anabaptists about an hundred yeeres past they have bin the Incendiaries of Commonwealths, and the infectors of persons in maine matters of Religion, and the troublers of Churches in most places where they have been, and that they who have held the baptizing of infants unlawfull, have usually held other errors or heresies together therewith (though as heretiques use to doe they have concealed the same untill they espied a fit advantage and opportunity to vent them by way of question or scruple) and whereas divers of this kinde have since our coming into New-England appeared amongst our selves, some whereof, as others before them, have denyed the Ordinance of Magistracy, and the lawfulnessse of making warre, others the lawfulnessse of Magistrates and their inspection into any breach of the first Table, which opinions, if connived at by us, are like to be increased among us, and so necessarily bring guilt upon us, infection and trouble to the Churches, and hazard to the whole Common-wealth: It is therefore ordered by this Court and authority thereof, that if any person or persons shall either openly condemne or oppose the baptizing of infants, or goe about secretly to seduce others from the approbation, or use thereof, or shall purposely depart the Congregation at the administration of that Ordinance, or shall deny the Ordinance of Magistracy, or their lawfull right, or authority to make warre, or to punish the outward breaches of the first Table, and shall ap-

d Tit. Ecclesiastical, p. 19, 20.

e Tit. Anabaptists, p. 1.

peare to the Court willfully and obstinately to continue therein, after due meanes of conviction, every such person or persons shall be sentenced to banishment. 1644.

“ And that wee may discerne how worthy they are that wee should doe all the good wee can for them, for they love the nation where they inhabite, and are very serious in *preparing them for one husband, to present them a pure virgin unto Christ*, 2 Cor. II. 2. Severall therefore are their decrees in order to their conversion.

^fTit. Indians.
p. 28, 29. (f) “ 1. Every Towne shall have power to restraine all Indians from prophaning the Lords day. 1633, 1639, 1641.

“ 2. The English shall not destroy the Indians corne, but shall help them to fence in their grounds.

“ 3. Considering one end in planting these parts was to propagate the true Religion unto the Indians, and that divers of them are become subjects to the English, and have engaged themselves to be willing and ready to understand the Law of God; it is therefore ordered and decreed, that such necessary and wholesome Lawes which are in force, and may be made from time to time, to reduce them to civility of life, shall be once in the year (if the times be safe) made knowne to them, by such fit persons as the generall Court shall nominate, having the helpe of some able Interpreter.

“ 4. Considering also that interpretation of tongues is appointed of God for propagating the truth; It is therefore decreed that two Ministers shall be chosen every yeer, and sent with the consent of their Churches (with whomsoever will freely offer themselves to accompany them in that service) to make knowne the heavenly counsell of God among the Indians, and that something be allowd them by the Generall Court to give away freely to those Indians whom they shall perceive most willing and ready to be instructed by them.

“ 5. They decree further that no Indian shall at any time Powaw, or performe outward worship to their false gods, or to the devill, and if any shall transgresse this law, the Powawer shall pay 5 l. the procurer 5 l. etc. 1646.

“ Their love to learning also is meet to be remembered and encouraged, wherein they have (g) observed a chief project of that old deluder Satan to keepe men from the knowledge of the Scriptures, as in former times keeping them in an unknowne tongue, so in these latter times by perswading from the use of tongues, that so at least the true sense and meaning of the originall might be clouded with false glosses of saint-seeming deceivers, and that learning may not be buried in the graves of our forefathers in Church and Common-wealth, the Lord assisting our endeavours, It is therefore ordered by this Court and authority thereof. That every Township encreasing to the number of fifty households, shall appoint one within their Towne to teach all such children as shall resort to him, to write and read, whose wages shall be paid either by the Parents or Masters of such children, or by the Inhabitants in generall by way of supply, as the major part of those that order the Prudentialls of the Towne shall appoint, and where any town shall encrease to an hundred families or householders, they shall set up a Grammar school, the Masters thereof being able to instruct youth so far, as they may be

^gTit.
Schools,
p. 47.

fitted for the University, and if any town neglect this above a yeere. every such Towne shall pay five pound *per ann.* to the next such Schoole, till they shall performe this order. 1647.

“And an Academy or University is not onely in their aime, but a good while since they had more than begun well, and therefore wee read these words in another (*h*) part of their lawes, Whereas through the good hand
^{^Tit.} of God upon us there is a College founded in Cambridge in the
 College, County of Middlesex, called Harvard College, for incouragement
 p. 12. whereof this Court hath given the sum of four hundred pounds, and also the revenue of the Ferry betwixt *Charles* Towne and *Boston*, and that the well ordering and manning of the said College is of great concernment; It is therefore ordered by this Court, &c. Then follow directions for the President and Commissioners to establish orders and dispose gifts, etc. 1636, 1640, 1642.

“Our Brethren of New England . . . are not onely furnished themselves with necessaries of all sorts, and have made large steps in an Academicall way, having Acts, Degrees, and Commencements according to the commendable fashion of *England*, as their own words are: The *theses* at their Commencements disputed upon have been printed severall yeeres at *Cambridge* in New England, and thence dispersed here; but they have also industriously furthered by their godliness, gentleness, and good orders, the conversion of a miserable people that have lien so long in darknesse.”

Dr. Moore next cites “Civil Magistrates Power in Matters of Religion Modestly Debated Impartially Stated,” &c., &c. By Thomas Cobbet, Teacher of the Church at Lynne in New England. . . . London, 1653. His citation is as follows.

“P. 34, 35—Indeed, our Printed Law Book Alphabetically expressing the Titles or Heads of the Matters about which the Laws are made, reckoneth them thus, for an example, *Dowries, Drovers, Ecclesiastical* (the very thing abused by this Author), *Elections, Escheats, &c.*”

It is noteworthy that these sections stand in this order in the Code of 1660, though probably many sections of the Titles *Dowries, Ecclesiastical* and *Elections*, were not printed in the Code of 1649.

Dr. Moore also cites from Snow's History of Boston a paper of instructions to the Selectmen in 1651. Snow however merely copied Shaw's History, p. 125. In this book it stands

“24. 1 mo. 1651. Directions for the Selectmen of Boston commended unto them from the town.” . . . First, in generall we require

your special care that the good and wholesome orders already made, which you have the records of, be observed and duly executed, and what other acts and orders shall be established for future benefit of the towne, that you alsoe cause them to be published and put in execution, and further according to power given *and severall laws of the county*,* to be found in the book of printed lawes, under these titles, Townships, Ecclesiastick, Freemen, Highways, small Causes, Indians, Corn-fields, Masters and Servants, Pipe Staves, Swyne, Weights, Measures, and any other order in force which concernes your place, to regulate yourselves and carry on your worke; and where you finde defect of power to bring your desires to a good issue for well ordering the towne, you may draw some good orders in forme to be aproved by the towne, and so to be presented to the Generall Court, and our Deputyes, for consideration."

Secondly, to enquire of such as present themselves for inhabitants what calling or employment they will undertake, and if they will live under other men's roofs as inmates, then to deal with them, according to the order of such persons, comprehended under the title of Townshipes."

"These instructions," adds Shaw, "were continued in force by an annual vote of the people for many years."

Although these "Instructions" are not entered on the town book, and Shaw's original is now unknown, there is no reason to doubt his accuracy. At the town meeting, March 10th, 1651, an order was passed "for a Committee to Draw up the power to be given to the Selectmen, which is first to be presented to the Towne and Consented too if they se Cause." (Printed Records, i. p. 103.) — Again, March 14, 1653, a committee of five "ar desired to draw up Instrucktions for the Townsmen (*i.e. Selectmen*) to aekt by, to be an addition to what Instrucktions they already have." (Ibid. p. 114.) — Again, March 4, 1659, (Ibid. p. 150), "It is ordered that the Instructions formerly given to the select men, in writing, bee still in force till the towne present others to them." — March 12, 1660, (Ibid. p. 154), "Itt was voted that the instructions formerly given to the select men should bee in force still."

It is unfortunately true, that no one familiar with the Boston Records will be surprised that Charles Shaw, in 1817, could find and use documents no longer remaining in our archives.

Lastly, William P. Upham, Esq., who has been engaged in sorting and arranging the Court Files of papers for Suffolk

* The text here seems to be corrupt. I suggest "*in the severall laws of the country*." — W. H. W.

County, has made the valuable suggestion that in cases tried between 1649 and 1660, citations would doubtless be made from the printed Code. Although it is impossible to cover all the ground at this time, the following examples show the importance and practicability of the idea. I trust it will be followed up by other investigators.

*From the Suffolk Court Files.**

At a General Court held at Boston, 14th of Oct. 1657. In answer to Overseers of Harvard College, Vol II. p 73. No 275.

“it shall be sufficient unto the validity of college acts, that notice be given unto the overseers in the six Towns mentioned in the Printed Law Anno 1642 &c &c

copy examined

J. Willard, Sec’y ”

Goffe & Goffe’s Ex. Dec. 1658. Vol II. No 333.

Sam’l Goffe’s plea.

Answer, that the deponents to the promise doe professe that had they demanded it then, they doubt not but the said Edward Goffe deceased would have performed it, if he could have done it in a way of concealing it from those whom it might trouble, the desire of woman is evident

Jan 11th ’37

Psal. 15 4

If it be contra pleaded it seemeth not valid by our legal acts
that law Anno 52 page 15

“this double portion is so bound or . . . according to scripture acceptation or the law by us inacted, lib. 1, title wils, page 53, which law we think from the scripture law &c &c

“and required by our law in deeds, Law anno 51 May 7 ”

Harry Bennett vs W^m Fellows :

Pleading, Vol III. p 10. No 351-4 & answer to. Sept. 27. 1659.

“And we shall leave the appellant to your justice to be further p’seded with, according to the Laws, fol 2 title appeals see 2 & fol. 36 title majestrates.”

* These examples show that the Code of 1649 contained a title *College*; also *Conceyances*, p. 15; *Wills*, p. 53; *Appeals*, p. 2; and *Majestrates*, p. 36. — W. H. W.

Vol II, p. 45, No 257, paper not dated, probably 1655-6

Divorce* Case Jane Halsell vs George Halsell — Petition

(4) “But considering the power of divorce doth properly belong to the Generall Court of Assistance as it is expressed in an order of the generall court = (Maye 16 1656) & a president ther is for it (namely Mr Freeman sometimes of Watertown) & the law submitts it (page 17)

There for I hope &c”

* There is no title of *Divorce* in the editions of 1660 and 1672. The references are under *Courts and Doury*, and at the former place the margin quotes *Liber 1*, pp. 14 and 15, and *Liber 3*, p. 5.

As to the powers of the Courts, we find (Rec., i. 276), Sept. 9, 1639, it was ordered “that such of the magistrates as shall reside in or near to Boston, or any 5, 4, or 3 of them, the Governor or Deputy to be one, shall have power to assemble together upon the last fifth day of the eighth, eleventh, second and fifth month, every year, and then and there to hear and determine all civil causes whereof the debt or trespass and damages shall not exceed £20, and all criminal causes *not* extending to life, or member, or banishment, according to the course of the Courts of Assistants, and to summon juries out of the neighboring towns.”

October 18, 1648 (Rec., ii. p. 286, and iii. 175), the law was altered so that only two Courts should be held, viz., in the first and seventh months, and the Governor or Deputy was allowed to call a Court to try capital cases, “so that justice be not deferred nor the country charge.”

But in the Code of 1660 the law stands “*For the better administration of justice and easing of the Country of unnecessary charges and travaile.* It is ordered by this Court and the Authority thereof, That there be two Courts of Assistants, yearly kept at *Boston*, by the Governour, Deputie Governour and the rest of the Magistrates, on the first Tuesday of the first month, and of the first Tuesday of the seventh month, to heare and determine all and onely actions of appeals from inferior Courts: all Causes of divorce, all Capital and Criminal causes, extending to life, member or banishment. And that justice be not deferred nor the Country needlessly charged, It shall be Lawfull for the Governour, or in his absence the Deputie Governour (as they should judge necessary) to call a Court of Assistants for the tryal of any malefactor in Capital Causes.”

It will be noticed that in 1639 the Quarter Courts could *not* try criminal cases extending to life, member or banishment, which powers seem always to have been exercised by the full Court of Assistants. It may be that such was the object of this law, as three magistrates were made a Court by it. The records of the Court of Assistants are printed by Shurtleff, in the first volume of Records, and were entered chronologically with the meetings of the General Court. The latest is dated Sept. 7th, 1641. Happily the Barlow copy of the Records contains further records of these Quarter Courts to March 5th, 1643-4. Then all records are missing prior to the volume dated 1673-1692, in charge of the Clerk of our Supreme Court, as pointed out by Charles Cowley, Esq., in his pamphlet entitled “*Our Divorce Courts*” (Lowell, 1880).

It will be farther noted that in 1660 the Court of Assistants was to hear and determine “all causes of divorce,” a power which does not seem to have been expressly granted before, and which is explained by the case of Halsell quoted above. Mr. Cowley cites the case of James Luxford (3 December, 1639, Rec., i. 283), where the “Court of Assistants or Quarter Court, held at Boston,” nine members sitting, decreed that he “being presented for having two wives, his last marriage was declared void, or a nullity thereof, and to be divorced.” He was also obliged to give all he had to the wife last married, for her and her children, was fined £100, put in the stocks, and banished. Mr. Cowley could find no other cases.

Such, however, are to be recovered from our records. At the Quarter Court, at Boston, March 5, 1643-4, it is noted that “Anne Clarke being deserted by Denis Clarke her husband, and he refusing to accompany with her, she is granted to be divorced; his refusal was under his hand and seal, which he gave before Mr. John Winthrop, jr, Mr. Emanuel Downing, Mr. Nehemiah Bourne, and Richard Babington. Also he confesseth he liveth in adultery with one by whom he hath had 2, and refuseth to forsake her which he had 2 children by.”

Again, at the same Court, John Richardson was ordered to “be sequestered from Elizabeth Fryar, to whom he was married the 12th of the 8th month, and neither to meddle with her person nor estate, till things be cleared by advice from England.” The General Court (Rec., ii. 86),

From the Essex Court Files.

Vol. IV f. 17. March 1657-8

“who ever heard of an accord of Replevin before now.

“The law giveth a replevin: or the thing taken upon an other pledg for ye benefit of y^e former plaintiff: and it is for a trespasse done him. And therefore he Suet h for remedy by vertue thereof, and did give bond to prosecute the same.”

“law against near relations to judge” mentioned —

f. 18 — (same case) “that the court will be pleased furderto consider the law in the first booke and page whare tis sayd to this purpose that noe mans goods shall be taken away or any way endamadged vnder cullour of law or countenance of authority niles it be by the vertue or equity of some exprese law or in default thereof by the word of god suficiently waranting the same.”

November 13, 1644, on additional testimony, “do declare the last marriage to be void, which was Elizabeth Frier.” (*These two cases are in the Barlow manuscript.*)

The next case which I have noted is October 16, 1650 (Rec., IV, part i. p. 32),

“In answer to the petition of William Palmer, desiring a bill of divorce may be granted him from Elinor, his wife, which, since his coming into these parts, hath wholly deserted him and married herself to one William Pope of Salisbury, in the county of Wilts, in England, and hath had children by him, the Court judgeth it meet . . . that the said William Palmer should be divorced, and declared hereby that he is legally divorced.”

May 14, 1654 (Rec., IV, part i. p. 190), . . .

“In answer to the petition of Dorcas Hall, desiring a divorce from her husband, John Hall, who is gone from her, &c — the Court finding it fully proved . . . judgeth it meet, that the said Dorcas shall be, and hereby declares that she is, legally divorced from the said John Hall, and is at liberty to marry with any other man.”

A similar case of divorce desired is in Rec., IV, pt. i. p. 282, October 14, 1656, as recorded: —

“In answer to the petition of Mary Bachiler, desiring liberty from this Court to dispose of herself, her husband being gone from her, and, as she pretends, since his going, married, &c., the Court judgeth meet to refer the examination to the next County Court at York, and the said Court to make return of what they find to the next Court of Assistants, *who have power to issue and determine the case.*”

In Rec., IV, part i, pp. 259 and 269, it seems that at the session of May, 1656, the General Court referred the petition of William Clements of Watertown, “craving a divorce from his wife, who for several years hath refused marriage fellowship with him, . . . unto the County Court of Charlestown next month.”

In Halsall's case, in 1656, the counsel as cited above (*ante*, p. 99) quotes the case of Mr. Freeman of Watertown. Though this does not appear in the General Court's record, it is doubtless a different case from that of William Clements of the same town. Samuel Freeman had a wife Apphia, and it has been thought that his widow married Gov. Thomas Prence of Plymouth. It has now been suggested that she was divorced, and married a second time while Freeman stayed in England, but this surmise needs examination.

Next comes this case of George Halsall and his wife, at the same session (Rec., IV, part i. p. 272), where in answer to the petitions “there having been two committees that have had the hearing of this case, whose apprehensions have been different therein, this Court is not willing to act hereupon, but judge it meet to refer the examination and final determination of this case unto the Court of Assistants, *to whom it doth properly bel'ng.*” Later (*Ibid.*, p. 380), May 28, 1659, the General Court “in answer to the petition of George Halsall, . . . do order, that the determination of it be referred to the next session, and in the mean time forbid either party to marry.”

Lastly, November 12, 1659 (*Ibid.*, p. 401), “In answer to the petition of George Halsall,

Essex County Court Papers.

Vol. IV — f. 30 — { case of Gifford & Webb —
June 1658 —

— Henry Webbs Answer —

“ 2^{dy} The law as I conceave is plaine that the thinge sued for shall be
brefely exprest in the warant, that y^e plantive might know how to
provide himselfe, w^{ch}. is not in this & therefore cannot come pre-
pared to make an answer, vpon w^{ch} I conceave there is a mistake.

2 booke 49 page
titel Sumans

“ 3^{dy} the law that gives strangers libertie to trye in any Courte of this
Jurisdiction, restrains it to such as are not residing or inhabiting
amongst vs. & the general Courte lookt at Mr Giffard as a
stranger. & took bonde of him accordingly. & soe did y^e Clark of the writs in
this action.

2-b. 15 pag
titel Strangers

“ 4^{dy} The law sath y^t al actions of debts aco^t. slander & actions of the
cause &c. shal be tryed wthin the Jurisdiction of that court wherin
the plantive or defendant dweleth. but nether plant. nor defendant
lives in this country as we conceue. y^e plant. being determined by General
Courte to be a stranger.”

1. b. 1 pag
titel Actions

In the case of Cromwell v. Ruck — June 1660 — Vol. V — f. 98 —

“The new law book in pag. 15

“The law sees : wharas the way of passing of houses & landes by salle in
England is both peesabell & effectuall namly by deed in writing sealed & de-
liured wth liueri and Seson or possession given of the same before witness & by
deede acknowledged and recorded or by seeing a ffine : & that divers within
this Jurisdiction are apt to rest upon vnsertin bargans or salles for houses or
lands of any valew : this Court taking this thing into Searis consideration doth
hereby declare & order for the prevention of all clandestine and vnsertin salles
& titells : that henceforth noe sale or Alienation of houses or lands in this Ju-
risdiction shall be houlden Good in law exsept the same be dune by deed in

humbly desiring that Jane, his wife, lately divorced from him by the Court of Assistants, 1656, may be returned to him, &c., the Court, on a hearing of the matter contained in his petition and duly considering of all the evidences by both parties produced in the case, do order, that the judgment of the said Court of Assistants in reference thereto be void, and that the said George Halsall shall have and enjoy the said Joan Halsal, his wife, again.”

Here we have full evidence that divorce cases were considered to belong first to the Court of Assistants with an appeal to the General Court. Washburn (*Judicial History*) points out that this power of appeal existed in all cases.

These nine quoted cases of Luxford, Clarke, Richardson, Palmer, Hall, Bachelor, Clements, Freeman, and Halsall may not comprise all the cases even in the printed Records, as “Divorce” is not an entry in the indexes. The Court of Assistants between 1644 and 1673 may have granted other divorces, of which the record is lost. Halsall’s case is most peculiar, as a divorce was set aside after three years.

As the text refers to the fact that divorce cases belonged to the Assistants, and says “the law submits it, page 17,” it seems a reasonable surmise that this clause stood in the Code of 1649, under the title *Courts*. — W. H. W.

written under hand & seal & delivered & possession given upon part in the name of the whole by the vender or his Atorny soe Athorised under hand & seal : vnles the said deed be acknowledged according to law and recorded." *

From Middlesex Court Files and Records.†

Norcross vs Beers in behalf of the town of Watertown at County Court held at Cambridge, 4^d (2^m) 1654.

"Defendant presents an order in the 50 page of the printed laws which concerns Townships, alleaging our order is repugnant to the Law &c &c"

"Whereas he aledgeth the 13 page of the printed Lawes about recording of Sales, we stand not about title: the thing in controversy is possession in place."

Mr Norcross Declaration :

"was not possession given according to the Lawes of the honored generall court recall but a shadow for the words of the law Page 14 Conveyances fraudulent: noe title is of [validity?] except it be Recorded, the latter book Page 13, that that is Recorded by the Sheer Recorder shall be sufficient security, (without such, not.) Therefore he tould them their order was criminall and repugnant beyond limites provided in that case Page 50.

"whereas the law saith now that [not] above 8^t in 100 that Rate proportionable for all sommes what soever, that is the words of the Law Page 51 Usury."

"they had not showed mee the instructions given them in wrighting to mak that order Tho I think they can show it Page 51 &c. &c."

"Henry Dunster presented for disturbing church services July 30, 1654. County Court Records, Vol 1, p. 60, The Court ordered that Mr Henry Dunster according to the Eccleas: Law page 19. at the next lecture at Cambridge should (by such magistrate as should there be present) be publicly admonished and give bond for his good behavior."

* These Essex Cases prove that in 1649 the Preamble stood first, on page one, being the Liberty for personal protection. Then it contains *Actions*, p. 1, and evidently did not contain title *Strangers*, here referred to the Second Book, p. 15. I suspect the reference above in Webb's answer to title *Summons* means Liber 1, not Liber 2. In Cromwell's case the *new* law book, p. 15, is not the Code of 1660, where the law is on p. 20. The marginal reference there is to Anno 52, p. 15, which, as hereafter shown, was the second Supplement. — W. H. W.

† The Middlesex examples give us references to *Townships*, p. 50; *Conveyances*, p. 13; *Conveyances fraudulent*, p. 14; *Usury*, p. 51; *Ecclesiastical*, p. 19; *Marriage*, p. 38; and probably *Liberties Common*, § 2, p. 35. — W. H. W.

Vol 1. p, 80. “Mr Joseph Hills of Mauldon being p^resented by the Grand Jury for marrying of himselfe, contrary to the Law of this Collony page 38 in ye old Booke. &c &c”

Court April 1, 1656

Symmes vs Broughton, County Court. June 16, 1657, Plaintiffs Reasons.
“The 3rd reason is because the erecting and maintaining of the aforesaid Dams is directly contrary to the righteous established laws of this common wealth weh say expressly pag. 35 of printed laws, That a proprietor shall not by what liberty he hath given him &c &c”

The following Table shows the titles which were certainly in the printed Code of 1649:—

Preamble	Page 1	Indians	p. 28
Action	“ 1	Inn-Keepers	
Appeals	p. 2	Jurors	pp. 31, 32
Anabaptists	“ 1	Leather	
Arrests		Liberties, Common	p. 35
Bakers	“ 3	Magistrates	
Cask and Cooper	“ 6	Marriage	p. 38
Cattle	“ 7	Marshal	p. 38
Causes, Small		Masters and Servants	
Charges, Public	“ 9	Military Affairs	pp. 39, 42
College	“ 12	Money	
Conveyances, fraudulent	“ 14	Pipe-staves	
Courts	pp. 14, 15, 24, 36	Powder	p. 40
Cornfields		Punishment	“ 45
Divorce	p. 17	Records	“ 47
Dowries		Schools	“ 47
Drovers		Strangers	
Ecclesiastical	19	Summons	“ 49
Elections	p. 51	Swearing	
Escheats		Swine	
Fines	pp. 22, 38	Townships	
Freemen	p. 23	Usury	p. 51
Ganning		Watching	p. 52
Heresy	“ 24	Wills	53
Highways		Women	
Impost	p. 27		

After the experimental publication of the Code in 1649, the advantages of a printed authority were evident.

October 17, 1649 (Records, ii. 286, and iii. 173), the following vote was passed: —

“The Court, finding by experience the great benefit that doth redound to the country by putting of the law in print, do conceive it very requisite that those laws that have passed the consent of the General Court since the Book of Laws were in printing or printed, should be forthwith committed to the press; and for that end appoint Richard Bellingham, esq., Mr. Nowell, Mr. Auditor-General [Duncan], Capt. Keayne, and Mr. Hill, or any three of them, a committee to prepare them against the Court of Election; that upon approbation of the return of the committee, they also may be printed; as also therewith to prepare those laws referred to in the end of the printed laws, with a suitable table, to be printed.”

October 18, 1650 (Records, iv. part 1, p. 35): —

“It is ordered that Richard Bellingham, esq., the Secretary [Rawson] and Mr. Hills, or any two of them, are appointed a committee to take order for the printing the laws agreed upon to be printed, to determine of all things in reference thereunto, agreeing with the president for the printing of them with all expedition, and to allow the title if there be cause.”

These last two entries supply us with a fact which has probably not been noticed for the last century, viz., that not only was there an edition of 1649, but a Supplement thereto in 1650. It will also be possible to form a fair idea of the shape and contents of both of these. As to the existence of the Supplement of 1650, citations given later (under dates of May 26, 1652, Aug. 30, 1653, May 3, 1654, and Nov. 24, 1654) show that the General Court in 1654 referred to and amended laws in the “first printed book” and in the “second printed book.” Moreover the Code of 1660 is full of marginal citations from L. 1 and L. 2, the former being quoted up to p. 53 (title “Wills”) and the latter to p. 16 (under the same title). And in one case the law cited by the General Court as being on p. 8 of the second book (referring to Freeman) is in 1660 marked as L. 2, p. 8.

Two other facts are significant: First, the annexed Table of the marginal references in the Code of 1660 to Liber 2 shows

that the laws copied were all passed prior to 1651. Secondly, that the marginal citations are from Anno 1651 onward, and never backward. That is to say, no year previous to 1651 stands in the margin, though much of the text was enacted in 1648, 1649, and 1650.³³ There are some laws cited as from Liber 2, which were passed earlier than 1648; these are evidently the laws which were omitted in the Code of 1649, but found on examination to be worthy of a place in the General Laws, and therefore put first into the Supplement and then into the Code of 1660.

The title "Ecclesiastical" (p. 28 of 1660) seems to give us a good proof that the Supplement contained amended or omitted laws. Section 14 contains two long sub-sections or paragraphs. Both were passed November 4, 1646 (Records, ii. p. 178, 179); but the first paragraph is on p. 179, and the second on p. 178. Now the Connecticut Code prints the first paragraph complete, but not the second. Hence I infer this first paragraph alone stood in the Code of 1649; but that in the Supplement (the citation being L. 2, p. 5) the previous section, which had been overlooked, was restored.

Note, also, that in the law of 1646 the culprit was to wear a paper inscribed "A Wanton Gospeller"; but in 1660, and by the Connecticut Code, it was changed to "An Open and Obstinate Contemner of God's Holy Ordinances." In my former edition I added that this seems to show that the compilers in 1649 altered the text on that point, and Connecticut copied it. This surmise is made nearly certain by the copy of this act, as quoted by Thorowgood from the Code of 1649 (*ante*, p. 94). I reprint the law as it stands in the Colony Records, ii. p. 177. The clauses in italics are omitted by Thorowgood, one or two words are altered, and the label is to read "AN OPEN AND OBSTINATE CONTEMNER OF GOD'S HOLY ORDINANCES."

Presuming, as we must, that Thorowgood copied *verbatim*, it is quite curious to note that certain phrases, marked in brackets, were omitted in the Code of 1649, more especially as they were

³³ I find but two apparent exceptions. In 1660, p. 2, title "Appeals," § 3, the citation is "A. 43, p. 19." This is a typographical error, as the law was passed August 30, 1653 (Records, IV. part 1, p. 152).

The other case is on p. 82 of Code of 1660, title "Wolves," cited as 1648. This law was passed Oct. 18, 1648 (Records, ii. 252), and was to last only four years. It was therefore not in the General Laws of 1649. But it was revived by a law passed August 30, 1653 (Records, IV. part 1, p. 153), and therefore is printed in 1660. The law and the citation are both exceptions.—W. H. W.

restored to the text in the Code of 1660, p. 26, title *Ecclesiastical*, § 14, and as they are also given in full in the Connecticut Code of 1650.

[LAW OF NOVEMBER 4, 1646, COMPARED WITH THOROWGOOD'S CITATION OF 1649.]

“That if any Christian, so called, within this Jurisdiction, shall contemptuously behave himself towards the word preached, or the messengers thereof [*called to dispense the same in any congregation, where he doth faithfully execute his service and office therein, according to the will and word of God*], either by interrupting him in his preaching, or by charging him falsely with any error which he hath not taught [*(in the open face of the church)*], or, like a son of Corah, cast upon his true doctrine or himself any reproach, [*to the dishonor of the Lord Jesus, who hath sent him, and to the disparagement of that his holy ordinance, and making God's ways contemptible and ridiculous, that*] every such person or persons (whatever censure the church may pass) shall for the first scandal be convented and reprov'd openly by the magistrates at some lecture, and bound to their good behavior; and if a second time they break forth into the like contemptuous carriages either to pay £5 to the public treasury, or to stand two hours openly upon a block 4 foot high, on a lecture day, with a paper fixed on his breast, with this A WANTON GOSPELLER, written in capital letters, that others may fear and be ashamed of breaking out into the like wickedness.”

The title “Attachments,” in the Laws of 1660, helps to fix the date of the second book. It cites “L. 2, p. 12,” for a law passed May 22, 1650 (Records, iv. part 1, p. 5), and farther down it cites “Anno 1651, p. 1,” for a law passed May 7, 1651 (Records, IV. part 1, p. 39).

Lastly, as already cited (*ante*, p. 80), Joseph Hills, in May, 1653, states that, after seeing the first volume through the press, he aided others “to compose and transcribe the second Book of Laws, copy-wise,” and “to fit them for the press.”

We have, moreover, already given a table (*ante*, p. 92), of citations from Liber 1, contained in the Code of 1660. We have now to account for about fifty citations in the volume of 1660, credited to Liber 2. This collation will complete our certainty that Liber 2 was a Supplement, covering the General Laws for 1648 (partly), 1649, and 1650, together with some earlier laws omitted in the Code of 1649, but still in force.

It will be seen, from the following table, that this Supplement was arranged under titles in an alphabetical order. The apparent exceptions are doubtless due to the fact that these titles were changed in 1660; and very possibly the order was not strictly observed. But the main fact remains that Liber 2, or the second printed book, contained all the laws passed after the completion of the printed Code of 1649 (or the first printed book), through the sessions of 1650.

Marginal Citations in the Laws of 1660.

1660.	Title.	LIBER 2.	Date of Original Act.
P. 1	Actions	4	Oct. 15, 1650; Rec. iv, *27.
2	Appeals	1	May 2, 1649; " ii, 279.
4	Attachments	12	May 22, 1650; " iv, 5.
6	Bridges	3	March, 1647-8; " ii, 229.
11	Cattle	8	May 22, 1650; " iv, 4.
13	Criminal Causes	4	May 2, 1649; " ii, 279.
17	Chirurgeons	3	do ; " ii, 278.
18	Clerk of the Writs	13	See Footnote ^a .
21	Counsel	4	do ; " ii, 279.
"	Courts	10	; " ii, 7, 9.
"	do	13	; " ii, 95.
22	do	24	See Footnote ^a .
23	do (Lib. 3)	5	Oct. 17, 1648; " ii, 286.
24	do	7	Nov. 13, 1644; " ii, 80.
"	do	15	June 31, 1650; " iv, 20.
"	do	4	} See Footnote ^a .
26	Dowries	5	
27	Ecclesiastical	7	

* References to Records, iv, mean Part I of that volume.

Marginal Citations in the Laws of 1660. — Continued.

1660.	Title.	LIBER 2.	Date of Original Act.
28	Ecclesiastical	5	Nov. 4, 1646; Rec. ii, 178.
29	Elections	10	Oct. 17, 1649; " ii, 286.
30	Fairs	7	Oct. 18, 1648; " ii, 257.
"	Ferries	7	Oct. 27, 1648; " ii, 262.
31	Fines	7	May 22, 1646; " ii, 153.
33	Freemen	8	May 18, 1631; " i, 87.
37	Hides	8	Nov. 4, 1646; " ii, 168.
38	Horses	11	May 2, 1649; " ii, 280.
39	Imposts	9	Oct. 1, 1645; " ii, 131.
41	Indians	15	June 21, 1650; " iv, 21.
44	Innkeepers	3	Oct. 17, 1649; " ii, 286.
	do	6	Oct. 18, 1648; " ii, 257.
46	do	31	See Footnote ^a .
47	Jurors	5	Oct. 17, 1649; " ii, 285.
	do	8	May 22, 1650; " iv, 3.
51	Married Persons	17	Oct. 15, 1650; " iv, 26.
53	Marshall	7	May 26, 1647; " ii, 194.
56	Military	12	Mch. 1647-8; " ii, 226.
60	do [Ammunition]	1	May 2, 1649; " ii, 282.
61	Mines	11	May 10, 1648; " ii, 242.
63	Petitions	13	Oct. 27, 1648; " ii, 261.
68	Records	15	See Footnote ^a .
	do	7	Nov. 11, 1647 " ii, 215.
70	Sailors	14	May 22, 1650; " iv, 2.

Marginal Citations in the Laws of 1660. — Concluded.

1660.	Title.	LIBER 2.	Date of Original Act.
71	Sheep	14	Oct. 18, 1648; Rec. ii, 252.
73	Strangers	32	See Footnote ^a .
74	Swearing	14	June 19, 1650; " iv, 19.
75	Townships	10	Mch. 3, 1635-6; " i, 172.
78	Wampumpeag	12	{ Oct. 27, 1648; " ii, 261. { May 2, 1649; " ii, 279.
80	Wills	16	Oct. 17, 1649; " ii, 287.
81	do	6	May 2, 1649; " ii, 281.

^a On p. 13, title "Criminal Causes," the reference is L. p. 2. Probably this means Lib. 2.

On p. 18 the reference is in regard to the "Clerk of the Writs." I have already (*ante*, p. 25) noted part of this law as passed in 1641, but I have not found the law establishing their fees. Yet May 31, 1660 (Records, iv. part 1, p. 421), a law was passed which refers to a "former law" on the subject.

On p. 22, title "Courts," the reference is L. 2, p. 24. This is doubtless a printer's error for p. 14, as the preceding reference is to L. 2, p. 13; or to Lib. 1, p. 24, as that is the bottom reference on the same page, § 4. I prefer the latter solution.

On p. 23, § 7, the reference is to L. 3, p. 5, and as this is the *only* reference to Liber 3, I feel sure that it is an error for Liber 2.

On pp. 24 and 26, titles respectively "Courts and Dowries," I cannot find the laws cited. Both matters are fully discussed *ante*, p. 25 and 26.

As to the reference on p. 27 to title "Ecclesiastical," being a law, that "the Treasurer shall defray the expenses of church elders when employed by special order of the General Court, 1642." — This order was passed May 18, 1642. It is on p. 2 of vol. ii, *second edition only*, and is not indexed in either edition.

On p. 46, title "Innkeepers," § 12, the reference is to L. 2, p. 31; evidently an error for Liber 1, as on the previous page § 8 is referred to L. 1, p. 30.

On p. 68, title "Records," the reference is L. p. 15. Undoubtedly Liber 1 is meant, and I imagine that it therein stood under title "Courts."

On p. 73, title "Strangers," the citation is L. 2, p. 32. This must be an error for L. 1, p. 23, as just above it the citation is L. 1, p. 23. The text is dated 1641, and both paragraphs are in the Body of Liberties.

On p. 81, title "Wills," § 3, the reference is to L. 2, p. 6. I suspect an error for L. 2, p. 16, as that is the citation for § 1 on the previous page.

It is, of course, undesirable to explain difficulties by presuming typographical errors. But the fact remains that the edition of 1650 contains many such about which there can be no dispute. The first three instances noted above are all the references to any page in Liber 2 above 16; and it seems impossible that there could have been 24 or 32 pages in the book, and yet that none of those intervening pages were used in preparing the Code of 1660. — W. H. W.

Nor does our information stop here, but it is demonstrable that two more Supplements were issued, the second containing Laws of 1651, 1652, and 1653, and the third embracing those of 1654, 1655, 1656, and 1657. This information was given in the Introduction to my former edition, pp. 112-113, but is now put in its proper relation to the preceding pages.

In a report dated Sept. 1, 1673 (Archives, Vol. 48, No. 125), I notice the following words.

See Laws in 48
49 fol 8 of 2^d print
52 fol 11 3^d print
&c.

"It is the sense already given by the General Court, see the Result of s^d question in 44 the old printed b. fol. 13, where the Governor hath onely a casting voice in case there bee an equall number on different sides."

Following out the clue thus given I turned again to the marginal citations in the Code of 1660. We have already discovered that Liber 1 meant the Code of 1649 and Liber 2 the Supplement of 1648-1651. But there were also many later references, all made to A 51, A 52, &c., including A 58, and evidently meaning *Anno* 1651 to *Anno* 1658. These years were accompanied almost invariably by the words p. 1, p. 2, p. 20, up to p. 26. The following table gives the list:—

Marginal Citations, Code of 1660.

1660.	1660.
Page 1, A 52, p. 7. (A).*	Page 16, A 56, p. 11. (F).*
2, A. 51, p. 1.	" A 54, p. 6
" A 43, p. 19	17, A 51, p. 4
" A 54, p. 2	19, A 54, p. 2
3, A 51, p. 5	" A 57, p. 26
4, A 51, p. 1	20, A 52, p. 15
5, A 52, p. 8	" A 51, p. 2
6, A 51, p. 4	22, A 52, p. 11
6, A 55	24, A 54, p. 2
7, A 58	25, A 53.
7, A 52, p. 10.	" A 54, p. 3
9, A 51, p. 2	27, A 58.
" A 52, p. 17	28, A 54, p. 6
11, A 53, p. 20	29, A 52, p. 15
13, A 51, p. 6	" A 58.
" A 54, p. 2	32, A 52, p. 11
14, A 51, p. 1.	" A 52, p. 9, 10.
" A 57, p. 23	33, A 51, p. 3

Marginal Citations, Code of 1660. — Continued.

1660.	1660.
Page 34, A 57, p. 7, 8. (G).*	Page 59, A 55.
35, A 54, p. 7	60, A. 56, p 12
“ A. 56, p. 13	“ A 56, p 12
“ A 57, p. 26	“ A 54, p 1
“ A 58	“ A 56, p. 12
36, A 53, p. 19	61, A 53
“ A 58	“ A 52, p 12
39, A. 53, p. 19	62, A 54, p. 5
40, A 52, p. 16	“ A 52, p. 9
41, A 57, p. 22	63, A 54, p. 5
“ A 57, p. 23	“ A 54, p 1
42, A. 56, p. 18	65, A 58, p 22 (H).*
43, A. 58	“ A 56, p 10 (E).*
“ A 52, p. 10	“ A 57, p 24
“ A 58	66, A 52, p. 3 (B).*
44, A 51, p. 4	“ A 55, p. 10
“ A 53, p. 19	67, A. 57, p 25
45, A 54, p. 2	68, A 52, p 13
“ A. 58	“ A 57, p. 21
46, A 57, p. 21	“ A. 54, p. 24 (D).*
47, A 54.	69, A 52, p 9
“ A 51, p. 5	“ A 53, p. 18
“ A 53, p. 19	70, A 52
“ A 57, p. 25	71, A 54, p 1
“ A 56, p. 14	“ A 56, p 12
49, A 51, p. 3	“ A 53, p 18
53, A. 53, p. 20	72, A 55 p 11
55, A 52, p. 12	73, A 51, p 7
“ A 55	74, A 1658.
56, A 56, p. 12	75, A 51, p 4
“ A 53, p. 13 (C).*	76, A. 58
57, A 52, p. 13	“ A 53, p 18
“ A 56, p. 12	“ A 54, p 2
58, A 53	77, A 58
“ A 52, p. 14	78, A. 52, p 12
“ A 53	“ A. 57, p 25
59, A 53	80, A 55
“ A 56, p. 12	81, A 52, p 15
“ A 54, p. 3	82, A. 48.

* These references are explained in the following pages, — they being the apparent exceptions to a perfect system of pagination.

The preceding table gives all of the marginal citations which are by year-dates, according to the pages of the Code of 1660. They are all repeated in the margins of the edition of 1672, without correction even of obvious errors, and with a few additional blunders.

Thus, in 1672, there were *omitted* the following citations of 1660, viz., p. 10, A. 51, p. 4; p. 12, A. 55; p. 16, A. 52, p. 17, and the following errors were added: —

In 1660, p. 19, A. 57, p. 26; In 1672, p. 3, A. 55, p. 26.
 “ “ p. 41, A. 57, p. 23; “ “ p. 75, A. 52, p. 23.
 “ “ p. 47, A. 53, p. 19; “ “ p. 86, A. 55, p. 19.
 “ “ p. 63, A. 54, p. 5; “ “ p. 120, 54, p. 4.
 “ “ p. 65, A. 58, p. 22; “ “ p. 123, A. 58, p. 28.

These citations, however, could not be arranged on any system as pages in a single book. Even allowing that titles were altered, the contradictions were too many. But by re-arranging these eighty-four citations we find that they fall into two consecutive series.

The acts of 1651 are cited as pp. 1, 2, 3, 4, 5, 6.
 “ “ 1652 “ “ 7, 8, 9, 10, 11, 12, 13, 14, 15,
 16, and 17.
 “ “ 1653 “ “ 18, 19, 20, and five times un-
 paged.
 “ “ 1654 “ “ 1, 2, 3, 4, 5, 6, and 7.
 “ “ 1655 “ “ 10 and 11, and four times
 unpaged.
 “ “ 1656 “ “ 10, 11, 12, 13, 14, and 18.
 “ “ 1657 “ “ 21, 22, 23, 24, 25, and 26.
 “ “ 1658 “ eleven times, always without a page.

There are a few discrepancies which I will note, and which seem to be mainly owing to printers' errors. They are as follows: —

In the first series (1651, 1652, and 1653) we find on (A.) p. 1, Anno 52, p. 7, and on p. 73, Anno 51, p. 7, and on p. 34, Anno 57, p. 7 and 8. This last citation is clearly wrong, as the law was the well-known law against Heresy, passed in 1652. By a double error, the date at the end of the section is 1651 instead of 1652. The law cited on p. 2 was also passed in 1652. Hence, as three out of four citations of this p. 7 refer to 1652, I conclude that the fourth citation, of 1651 as p. 7, is a clerical error for some other page, from 1 to 6.

(B.) On p. 66 we find Anno 52, p. 3, but the act was passed in 1651, and is cited at the end as 1651. Clearly this is a printers' error, and should be Anno 51, p. 3, agreeing with the series.

(C.) On p. 56 we find Anno 53, p. 13, but the law was passed in 1652, and is so cited on p. 57. This is also a printers' error, and should be 1652, p. 13.

In other words the serial arrangement is harmonious for about forty times, and the three apparent exceptions are explained above as obvious errors of the press.

As to the second series, we find that the year 1654 covers pages 1, 2, 3, 4, 5, 6, 7. But we find also (D.) on p. 68, Anno 54, p. 24. But the law was passed in 1657, and here again the printers' error, if corrected, makes the series right, as p. 24 comes under the year 1657.

In 1655 the citations are four times by the year alone; on p. 66 as Anno 55, p. 10; on p. 72 as Anno 55, p. 11.

In 1656 the citations are pp. 10, 11, 12, 13, 14, and 18. Here pp. 10 and 11 are assigned to both years, 1655 and 1656. (E.) But the citation p. 65 of Anno 56, p. 10, is an error, for the law was passed in 1655, and is so noted at the end of the section.

(F.) The reference on p. 16 to Anno 56, p. 11, is wrong, as the act was passed in 1655. It should be Anno 55, p. 11. But very curiously the reference on p. 72 to Anno 55, p. 11, is also wrong, as the law about spinning was passed in 1656. The reference must be to *Anno* 1656, some page between 12 and 18.

But with the balance of errors, I presume that pages 10 and 11 both belong to the year 1655.

In 1657 the citations are, 21, 22, 23, 24, 25, and 26, but we note one exception.

(G.) On p. 34 we find Anno 57, pp. 7 and 8. This has already been explained (see item A.) as an error for 1652.

Lastly, we find

(H.) on p. 65, Anno 58, p. 22, but the law was passed in 1657, and is so cited at the end of the section. Evidently a printers' error, especially as this is the only case where *Anno* 1658 is followed by a page-number.

We may, therefore, say that the second series is also regular and continuous.

Having already identified the "second printed book" with a Supplement covering the omissions and laws through 1650, I now

consider the "third printed book" to have been a second Supplement, of some 19 pages, covering the laws of 1651, 1652, and 1653, printed in accordance with the order of May 3, 1654, cited (*post*, p. 116). Then I doubt not in 1657 a third Supplement, or "fourth printed book" of some 26 pages, was issued, covering the laws of 1654, 1655, 1656, and 1657, according to the orders cited, (*post*, p. 117). After this the issuing of Supplements was probably stopped while the Revision of 1660 was in hand.

In other words, it is almost absolutely certain that the Code of 1649 was followed by Supplements until the next revision, as we have proof that the Code of 1660 and every subsequent revision down to the present time has been so supplemented.

In our Records, (Vol. iv. part 1, pp. 324-327), will be found a summary of the laws relative to constables, made in 1658. These twenty-six sections are each referred to some previous law, and the citations are from *Lib.* 1, pp. 13, 14, 16, 19, 26, 27, 31, 32, 37, 38, 39, 46, 48, 51 and 55; *Lib.* 2, p. 10; *Lib.* 3, pp. 2, 3 and 9; *Lib.* 4, pp. 16, 18, 20 and 26. This may be a mere coincidence, or it may confirm our theory that before 1660 there were these four books of printed laws: especially as *Liber* 1 runs to p. 55. I have not been able to thoroughly investigate the references, some of which are very puzzling.

The preceding pages complete the citations from the Records respecting the Code of 1649 and the Supplement of 1650; there remains only to copy the entries in regard to the Laws between 1650 and 1660, when the Code was printed, and the latter votes preceding and following the Revision of 1672.

May 23, 1650, the following order⁵⁴ was passed (Records, iii. 193): —

“Whereas this Commonwealth is much defective for want of laws for maritime affairs, and forasmuch as there are already many good laws made and published by our own land, and the French nation, and other Kingdoms and commonwealths; this Court doth therefore order that the said laws, printed and published in a book called *Lex Mercatoria*, shall be perused and duly considered, and such of them as are approved by this Court shall be declared and published to be in force within this jurisdiction after such time as this Court shall appoint.

⁵⁴This is from the House Journal, and is more in detail than the regular joint record in Records, iv. part 1, p. 10. — W. H. W.

“And it is further ordered that Mr. Bellingham, Mr. Nowell, Mr. Willoughby, Capt. Hathorne, the Auditor-general [Duncan], and Mr. John Allen, shall be a committee to ripen the work, and to make return of that which they shall conclude upon, unto the General Court; and the time of their meeting to be the first third day of the sixth month next.”

June 22, 1650 (Records, iv. pt. 1, p. 23, and iii. 204), the following vote was passed: ⁵⁵ —

“It is ordered by this Court and the authority thereof, that henceforth the Secretary for the General Court, shall, within two months after the end of every session, send unto the clerk of every shire court, as also unto the present or late deputies of each town, or to the constable where no deputy is, a copy of all general orders made in each Court, for which he shall receive of the Treasurer for every such copy after the rate of eight pence per page, which the Treasurer shall charge upon each town together with their country rate from time to time, viz, for the copies sent unto the particular towns.

“And it is farther ordered by the authority aforesaid, that the deputies, or constable of each town where no deputy is, shall cause the same to be audibly read, in a public town meeting, warned by the constable of each town, within ten days after their receipt thereof, on penalty of five pounds upon any deputy or constable for neglect of their respective duties.

“And it is farther ordered by the authority aforesaid, that such reading thereof in any shire or market town in each shire, shall be a sufficient publication thereof from time to time; provided also that the Treasurer shall have a copy without payment from time to time.”

October 23, 1651 (Records, iv. part 1, p. 69, and iii. 252): —

“Whereas, in the year 1650, there was a committee chosen to peruse a book called *Lex Mercatoria*, to extract such laws from thence as might be suitable for our use in this commonwealth, which said committee have not yet met according as was then concluded: that the said order may be further prosecuted, it is ordered by this Court, that the accomplishing of that work shall be referred to Mr. Nowell and the Auditor-general [Duncan], who are hereby chosen a committee and desired to peruse the said book, and to collect from thence such laws as they shall judge meet for our use, according as that order doth direct, and to make return to the next General Court.”

⁵⁵ Records, iv. part 1, p. 63. mention that the Secretary, for this service of transcribing orders and for other services, is to receive forty pounds annually.

August 30, 1653 (Records, iii. 317, and iv. part 1, p. 152), it was ordered “that the several gross sums of all the incomes, viz.: upon the annual rate upon imposts, vintners, entering of actions, fines, forfeitures &c. as also of all expenses, viz. of all Courts, commissioners, gratuities, allowances, payments, debts, &c. be exactly by the Auditor certified to the General Court annually, and expressed in all the copies of the laws sent unto the several towns, made in the first session of the Court of Election, whereby the true state of things in that respect may be obvious to all that are concerned therein.” — W. H. W.

October 26, 1652 (Records, iv. part 1, p. 119): —

“It is ordered that Richard Bellingham, Esq., and William Hibbens, Mr. John Glover and the Secretary [Rawson,] or any three of them, shall be a committee to peruse the laws that have passed this Court, and to determine which of them shall go to the towns.”

June 2, 1653 (Records, iv. part 1, p. 149), voted as follows: —

“Mr. Bellingham, Mr. Glover and Mr. Hill are appointed with the Secretary [Rawson] to peruse the laws that is passed this Court, comparing them with the original copies.”

Sept. 10, 1653 (Records, iv. part 1, p. 180): —

“It is ordered that the Deputy Governor [Bellingham], Mr. Hibbens, Mr. Glover, and the Secretary [Rawson], Mr. Hills, or any two of them with the Secretary, shall be a committee to examine the laws that passed this Court.

“It is ordered that the Secretary shall take care that the old book of records shall be fairly written out, for which he shall have satisfaction by the page, as the Court allows.”

May 3, 1654 (Records, iv. part 1, p. 182): —

“It is ordered by this Court, that henceforth the Secretary, shall, within ten days after this present sessions and so from time to time, deliver a copy of all laws that are published unto the president,⁵⁶ or printer, who shall forthwith make an impression thereof, to the number of five, six, or seven hundred, as the Court shall order: all which copies the Treasurer shall take of and pay for in wheat or otherwise, to content, for the number of five hundred after the rate of one penny a sheet, or eight shillings a hundred for five hundred sheets of a sort, for so many sheets as the books shall contain.

“And the Treasurer shall distribute the books to every magistrate one, to every Court one, to the Secretary one, to each town where no magistrate dwells one, and the rest among the towns that bear public charge within the jurisdiction, according to the number of freemen in each town.

“And the order that engageth the Secretary to transcribe copies for the towns and others, is in that respect repeated, the Court allowing him ten pounds this year only, in respect of what benefit hereby is withdrawn from him.”

“And it is further ordered, that Mr. Samuel Symonds, Major Dennison, and Mr. Joseph Hills shall examine, compare, reconcile, and place together, in good order, all former laws both printed and written, and make fit titles and tables for ready recourse to any particular contained in them, and to present the same unto the next Court of Election, to be considered of, that so order may

⁵⁶ This reference, like the earlier one on p. 80, is to Henry Dunster, President of Harvard College, who had an interest in the only press in the colony.

be taken for the printing of them together in one book, whereby they be more useful than now they are or can be."

May 14, 1654 (Records, iv. part 1, p. 195):—

"It is ordered, that the honored Governor [Endicott], the Secretary [Rawson], Capt. [Thomas] Clarke, and Mr. [Joseph] Hill, or any three of them, shall be a committee to peruse and view the laws passed this session, according to former order."

June 9, 1654 (Records, iv. part 1, p. 196):—

"Upon conference with Mr. Dunster and the printer, in reference to the imprinting of the Acts of the General Court, whereby we understand some inconveniences may accrue to the printer, by printing that law which recites the agreement for printing, it is therefore ordered that the said law be not put forth in print, but kept amongst the written records of this Court."⁵⁷

October 14, 1656 (Records, iv. part 1, p. 281):—

"It is ordered that the Deputy Governor [Bellingham], Capt. Clarke, Mr. Secretary [Rawson], and Capt. Savage, shall examine the laws of the General Court for two years past, and cause such laws as are of public concernment to be written out, whereby they may forthwith be committed to the press and sent to the several Courts."

May 6, 1657 (Records, iv. part 1, p. 292), the following vote was passed:—

"Whereas it is found by experience that the passing and enacting of divers grants, orders and laws upon the first proposal, hath occasioned many inconveniencies which might have been prevented by mature deliberation, and that it is the laudable custom of the Parliament of England to pass no bills which have not been there read and debated, it is therefore ordered and enacted by this Court, that no grant of land, law or order (except transient acts) shall henceforth be of force but such as, after reading and mature consideration on three several days, shall be approved and consented to by the major part of Magistrates and Deputies."

May 6, 1657 (Records, iv. part 1, p. 299):—

"It is ordered by this Court, that all laws of public concernment, not yet printed, be forthwith transcribed by the Secretary, and sent to the press to be printed at the public charge; the printer to be paid by the Treasurer."

⁵⁷ October 18, 1659 (Records, iv. part 1, p. 391): "It is ordered by this Court, that the Treasurer shall, and hereby is empowered to, disburse out of the Treasury what shall be necessary tending towards the printing of the laws unto Samuel Greene, referring to his pains therein or otherwise." Perhaps the terms of payment to the printer, in view of these "inconveniencies" were in this later case kept as a secret of state. — W. H. W.

May 26, 1658 (Records, iv. part 1, p. 337): —

“ It is ordered, that Major General Daniel Denison diligently peruse, examine and weigh every law and compare them with others of like nature, and such as are clear, plain and good, free from any just exception, to stand without any animadversion, as approved; such as are repealed or fit to be repealed, to be so marked and the reasons given; such as are obscure, contradictory, or seeming so, to be rectified and the emendations prepared; where there is two or more laws about one and the same thing, to prepare a draught of one law that may comprehend the same; to make a plain and easy table; and to prepare what else may present in the perusing of them to be necessary and useful: and make return to the next sessions of this Court.”

October 19, 1658 (Records, iv. part 1, p. 350): —

“ It is ordered by this Court and the authority thereof that the Book of Laws, as they have been revised and corrected and put in form by order of this Court, together with the alterations and additions here under expressed, shall forthwith be printed, and be of force in one month after the same; and that there shall be a perfect table made there unto what remains yet to be done, to be prepared for the press by our honored major-general; and that in the meantime the laws stand in force as now they be.”

Then follow seven amendments to the laws, two being in the negative, and the following vote: —

“ It is ordered, that when the present copy of the Laws is finished by the Major-General [Denison], that they be sent to the Treasurer, who shall take care that they be printed as speedily as may be: also, that the preface to the old law book, with such alterations as shall be judged meet by the Governor [Endecott] and Major General, be added thereunto, and presented to the General Court to be approved of: and Mr. Danforth is appointed to oversee the impression.”

May 28, 1659 (Records, iv. part 1, p. 381): —

“ It is ordered, that the Treasurer dispose of Mr. Norton's books now at the press, delivering every member of this Court one, and to the several towns in proportion to their rates, and twenty or thirty to Mr Norton, presenting this Court's acknowledgment to him for his pains at present; and giving every minister one: the like order about the laws.”

October 18, 1659 (Records, iv. part 1, p. 391): —

“ It is ordered by this Court, that the Treasurer shall and hereby is empowered to disburse out of the treasury what shall be necessary tending towards the printing of the laws, unto Samuel Greene, referring to his pains therein or otherwise.”

Although not in strict chronological order, I here insert two orders showing the compensation made to the persons employed on the Code of 1660.

October 16, 1660 (Records, iv. part 1, p. 441): —

“Whereas, at the request of this Court, Mr. Thomas Danforth hath attended the service of this Court, in surveying the laws at the press, and making an index thereto, this Court judgeth meet, as a gratuity for his pains, to grant him two hundred and fifty acres of land, to be laid out in any place not legally disposed of by this Court.”

Also (Ibid. p. 441): —

“Whereas Mr. Edward Rawson was employed by this Court for the drawing up of the book of laws before it was performed by Major-General Denison, this Court, being willing to acknowledge the labors of such as are employed for the public behoof, doth judge meet, as a gratuity for his pains, to grant him two hundred and fifty acres of land in any place not yet disposed of by this Court.”

May 31, 1660 (Records, iv. part 1, p. 422): —

“For the more equal distribution of the law books, when they shall be printed, it is ordered by this Court and the authority thereof, that the printer shall deliver the said books to the country Treasurer as soon as they are past the press, who, immediately upon receiving of them, shall deliver or cause to be delivered to every magistrate one; to every deputy of this General Court one; to the Secretary and Clerk of the Deputies one apiece for themselves; to the Recorder or Clerk of every County Court three apiece to be kept for the use of the several Courts:

“And the remainder of the said books, the Treasurer shall send to every county treasurer such a proportion as is due to each county according to what charge they bear in the country rates.

“And the county Treasurers are hereby enjoined to send unto every town in the respective countries their town’s proportion, according to the rule above mentioned, and deliver the same to some meet person employed by each town to receive them, engaging to satisfy the Treasurer for them according to his disbursements, that so no charge be put upon the country for the same, as Capt. Gooking, the Treasurer of the country, and Treasurer of each county shall determine, both for price and quality of pay.

“And that provision be made for the eastern parts, it is ordered, that before the division there be fifty books laid apart for their supply, they making like payment to the country Treasurer for the same; and that Portsmouth and Dover have twenty books laid aside for them on the same terms.

“And it is further ordered, that Mr. Thomas Danforth, who was to have the oversight of the impression, make an index to the said book with all convenient speed, that so the work may be no longer delayed.”

October 16, 1660 (Records, iv. part 1, p. 432): —

“ It being a matter of some concernment to the country rightly to understand when this last impression of the laws are to be in force and begin to take place, this Court doth therefore order and declare, willing and requiring all persons concerned to take notice, that the said impression of laws shall be of force after the expiration of thirty days from the date of these presents, and that in the meantime the old books to stand good and to be attended to as before.”

We have thus completed the record up to the issue of the edition of 1660, which has been issued by the City in a fac-simile reprint. The evidence thus collected seems to show that Nathaniel Ward was the principal compiler of the Body of Liberties ; that Bellingham was probably the chief inciter of the edition of 1649 ; that Joseph Hills prepared the Supplement of 1650 ; and that Secretary Rawson, Capt. Thomas Clark of Boston, and especially Major General Daniel Denison⁵⁸ were chiefly concerned in collecting, condensing, and arranging the code of 1660.

In the nature of things, no finality is ever to be reached in law-making. The code of 1660 was immediately subjected to amendments and additions, and various yearly supplements were considered necessary. The copy preserved in the library of the American Antiquarian Society at Worcester, being the one formerly owned by Secretary Rawson, contains most of these supplementary sheets, but nine pages were supplied from the copy in the Law Library of Harvard College. In the meantime the following extracts from the Records will show what steps were taken by the Legislature: —

May 22, 1661 (Records, iv. part 2, p. 4):—

“ It is ordered and by this Court declared, that the order made in the third month, 1654, appointing the printing of the general orders of Court of

⁵⁸ Daniel Denison was born in England, in 1612, and came here with his father, William D., in 1631. He settled in Ipswich in 1635, and was a deputy from that town for several years, being Speaker in 1649, 1651, and 1652. He was an Assistant from 1653, till his death in 1682, and Commissioner of the United Colonies for seven years. He was very prominent in military affairs and major-general much of the time from 1653 to 1680. He was town-clerk of Ipswich, and in 1653 was chosen Secretary in the absence of Edward Rawson. He married a daughter of Gov. Thomas Dudley, and was essentially one of the ruling caste in the colony. He must have received a good education in England as his letters and state papers show. He left a treatise in manuscript entitled, “Irenicon, or Salve for New England’s Sore,” which was published after his death by his pastor, Rev. Wm. Hubbard. A good memoir of him is in the N.E. Historical and Genealogical Register for July, 1869. — W. H. W.

each session within ten days, be again revived, and be in force so far as it refers to the annual printing of laws, any law to the contrary notwithstanding."

October 19, 1664 (Records, iv. part 2, p. 136): —

"Mr. Thomas Danforth, Capt. Thomas Clark, Mr. Wm. Parkes are appointed a committee to join with the Secretary [Rawson], if he be well, to peruse the laws of public concernment, made this year or formerly, not published, and to take care that they be speedily printed and sent to the several towns of this jurisdiction; and, in case of the secretary's sickness, to proceed without him, and that Mr. Danforth supply his place in all other cases."

At the May session in 1665 the General Court was greatly disturbed by the demands of the Royal Commissioners, Nicolls, Carr, Cartwright, and Maverick, who presented twenty-six changes which they desired to have made in the Book of the General Laws and Liberties of 1660. Their principal objects were to substitute for all expressions of the supremacy of the Commonwealth, an acknowledgment of the Royal authority; to procure a recognition of the Church of England, and to destroy the long-standing limitation of citizenship to church-members.

An examination of the edition of 1672 shows that only one or two points were conceded by the Court, either then or prior to that issue, and that the recognition of his majesty's supremacy was allowed in one clause whilst the power of the local authority was asserted in a score. The right of strangers to become citizens was nominally conceded, but on conditions which afforded the minimum of relief to all but church-members. See Code of 1672, p. 56.

October 11, 1665 (Records, iv. part 2, p. 282): —

"This Court doth appoint Mr. Thomas Danforth, the Secretary [Rawson], and Mr. [Anthony] Stoddard, to survey the laws that have been made this year, of public concernment, and cause them forthwith, with such other not yet printed, to be printed."

October 19, 1666 (Records, iv. part 2, p. 330): —

"Mr. Thomas Danforth, the Secretary [Rawson], and Capt. [Francis] Norton, are appointed a committee to peruse the laws of this year, and determine which of them shall be printed."

May 31, 1670 (Records, iv. part 2, p. 453): —

“Whereas there is a great want of law books for the use of several Courts and inhabitants of this jurisdiction at present, and very few of them that are extant are complete, containing all laws now in force amongst us, it is therefore ordered by this Court, that Major Eliazer Lusher, Capt. Thomas Clarke, Capt. Edward Johnson, Capt. Hopestill Foster, Capt. George Corwin, and Capt. Joshua Hubbard, or any four of them whereof Maj. Lusher to be one, shall, and hereby are appointed to be a committee to, peruse all our laws now in force, to collect and draw up any literal errors, or misplacing of words or sentences therein, or any liberties infringed, and to make a convenient table for the ready finding of all things therein, that so they may be fitted for the press; and the same to present to the next session of this Court, to be further considered of and approved by the Court.”

This committee seems to have attended to its duty, for at the next session, October 12, 1670, “the Court having perused and considered of the return of committee to whom the review of the laws was referred, etc., by the General Court in May last,” proceeded to make a number of verbal changes, all of which will be found in the Records, iv. part 2, pp. 467–9. The following vote may be noted:—

“To some queries, whether, if at any time there appear contradictions betwixt laws or parts of laws, some being made formerly, some latter, shall the late law be accounted of force in all parts, and all laws or parts of laws formerly made be accounted null wherein they are contradicted by any latter law, though they be not repealed or not, — as instance in troopers fined by a former law 5 shillings, by a latter 10 shillings —. It is ordered by the Court that the latter stand.”

A few days later, the following order, now preserved in Mass. Archives, vol. 58, p. 66, was passed by the House. It shows a wonderful ignorance of the undoubted fact that the Body of Liberties of 1641 had been thoroughly incorporated into the text of the printed laws, both in 1649 and 1660, while it also shows that there was a popular belief that such a Bill of Rights had existed. Probably the Magistrates refused their assent because they were better informed. It seems clear by the letter from Joseph Hills, dated May 24, 1682, hereinafter printed by me, that the Book of Liberties existed in a separate manuscript about 1648:—

“There being a new Impression of the Lawes shortly to be made, & that there was longe since a booke of libertyes agreed upon & confirmed as the undoubted right of the freemen of this Jurisdiction, the Deputies conceive It Necessary & have therefore Voted, that the s^d booke of liberties be printed

together with the new Impression of Lawes but distinct & apart & to be set in the front of the s^d booke & that no law which shall hereafter be made shall interfere with or any way infringe or Contradict any of the s^d liberties upon any pretence whatsoever. The Deputies have past this desiringe the consent of o^r Honord mgis^{ts} hereto. 27 (8) 1670.

WILLIAM TORREY, Cleric.

The Magis^{ts} consent not hereto.

EDWARD RAWSON, "Secret."

May 31, 1671 (Records, iv. part 2, p. 488): —

"Mr. Richard Russell, Mr. Thomas Danforth, and Mr. William Stoughton, or any two of them, are appointed with Capt. Thomas Clarke and Capt. [William] Davis, to be a committee, and are empowered to cause the book of laws to be printed, and an exact table to be made thereto with a marginal note of the word 'Repealed' unto all laws that stand repealed; and the Treasurer is required to pay for the impression and dispose of the books, as to him shall seem expedient for the public good and advantage."

May 15, 1672 (Records, iv. part 2, p. 514): —

"It is ordered that the former committee, with the Secretary, formerly appointed to send out the laws to the press, be hereby ordered to peruse the laws now this Court made, and to make a preface and table and what else is requisite, and send all out to be printed presently."

May 15, 1672, the following order was passed which has a certain connection with the preservation of the laws. (Records, iv. part 2, p. 515): —

"The Court, in order to the further prosecution thereof, doe order, that Major William Hathorne and Major Eliazer Lusher make diligent enquiry in the several parts of this jurisdiction concerning any thing of moment that have past, and in particular of what hath been collected by Mr. John Winthrop, Sen^r, Mr. Thomas Dudley, Mr. John Wilson, Sen^r, Capt. Edward Johnson, or any other; that so, matter being prepared, some meet person may be appointed by this Court to put the same into form, that so, after perusal of the same, it may be put to press."

At the same date, an important order about printing was passed. (Records, iv. part 2, p. 527): —

"In answer to the petition of John Usher, the Court judgeth it meet to order, and be it by this Court ordered and enacted, that no printer shall print any more copies than are agreed and paid for by the owner of the said copy or

copies; nor shall he or any other, reprint or make sale of any of the same, without the said owner's consent, upon the forfeiture and penalty of treble the whole charges of printing and paper &c. of the whole quantity paid for by the owner of the copy, to the said owner or his assigns."

These extracts bring the matter up to the issue of the edition of 1672, already reprinted in *fac-simile* by the city of Boston. To complete the record I transcribe all the later references to be found in the Records, up to the overthrow of the First Charter in 1686, and the beginning of the Inter-Charter period under Andros.

May 7, 1673 (Records, iv. part 2, p. 559): —

"Mr. John Usher having been at the sole charge of the impression of the book of laws, and presented the Governor, magistrates, secretary, as also every deputy, [*and*] the clerk of the deputies one, and Capt. Davis one, the Court judgeth it meet to order, that for at least this seven years, unless he shall have sold them all before that time, there shall be no other or further impression made by any person thereof, in this jurisdiction, under the penalty this Court shall see cause to lay on any that shall adventure in that kind, beside making full satisfaction to the said Mr. John Usher or his assigns, for his charge and damage therein. Voted by the whole Court met together."

October 15, 1673 (Records, iv. part 2, p. 562): —

"It is ordered by this Court and the authority thereof, that all laws and orders of this Court which are thought fit to be published at the end of every sessions, shall be forthwith sent to the press and also read in the market-place at Boston upon the fifth day, being a lecture day, within ten days after the end of such sessions, which being performed, is and shall be accounted sufficient publication; and further, that printed copies shall be disposed at the discretion of the Treasurer, and care taken for the same by the secretary and marshal-general, as the law directs, folio 231."

October 24, 1674 (Records, v. p. 27): —

"It is ordered, that Major Thomas Clarke and Mr. Humphrey Davy, with the secretary [Rawson], be a committee to peruse the acts of this Court, and determine what they judge meet to be printed."

May 28, 1679 (Records, v. p. 223): —

"It having pleased the only wise God to remove by death our late honored Governor [Leverett], who, as we are informed, was at considerable charge for procuring a new seal, which is used with a screw, much more convenient than the hand seal, it is therefore ordered by this Court, that the

Treasurer of the country do treat with and purchase of the executrix of said late Governor, the said seal and screw, and deliver the same to our present honored Governor, [Bradstreet] and also receive of the said executrix the old seal, together with a duplicate of our patent lying now in her hand, which seal, duplicate and screw henceforward shall remain in the Governor's hand for the time being, for the use of the country."

It has been already shown, by the Reprint of the Revision of 1672, that the Secretary continued to issue consecutive pages annually of a supplement. After the lapse of some six years, however, the ever-attractive subject of a new codification was again mooted. October 15, 1679 (Records, v. 244), the following vote was passed: —

"Upon perusal of the result of the late Synod, wherein they seem to intimate, at least, as if there were some doubt concerning some of our laws, whether they were sufficiently warranted by the word of God, and other laws not so well worded as may be effectual to the end intended, or honorable to this Court; as also some may be wanting to the ends therein contained; it is therefore ordered, that the honored Thomas Danforth, esq., Deputy Governor, Joseph Dudley, esq., Capt. John Richards, Mr. Anthony Stoddard, and Capt. Daniel Fisher, be a committee to consider our laws already made, that may need emendation or may not so clearly be warranted from the word of God, and to draw up such laws and orders as, being presented by them at the next Court of Election, may then be considered, and upon mature deliberation be confirmed: which this present Court cannot have time to do."

May 19, 1680 (Records, v. 268), it was voted as follows: —

"On a motion made to this Court, for the reprinting of the laws, etc., the Court approves of the motion, and do order that William Stoughton, esq., Joseph Dudley, esq., Peter Bulkeley, esq., or any two of them, with Capt. Daniel Fisher, Mr. Anthony Stoddard, Capt. John Waite, Lieut. William Johnson and Capt. Elisha Hutchinson, or any three of them, be a committee to consider our laws already made, and that need emendation, and what else is necessary referring thereunto, together with his Majesty's letter, now under consideration, as it relates to this matter."

October 13, 1680 (Records, v. p. 294): —

"This Court having in May last appointed a committee for the revisal of our laws, and nothing of that nature being yet done, it is ordered by this Court, that the Committee formerly appointed for that work do effectually apply themselves to the same, and make return of what they do therein to the next Court of Election, and that the charges of this work be defrayed by the country Treasurer."

Under the same date (Records, v. p. 301):—

“Humphrey Davy, esq., John Richards, esq., Capt. Elisha Hutchinson appointed, with Edward Rawson, Secretary, a committee to peruse the acts of this Court and the Laws, and determine what to send out to the press.”

January 4, 1680–81 (Records, v. 303):—

“Whereas, notwithstanding what hath already passed this Court, concerning the revision and amendment of our laws, respecting such things as are objected against them from England, &c. yet nothing is effected, the effectual proceedings therein being no small part of the work of this Court respecting our agents to be sent to England, it is therefore ordered, that the remaining part of that committee, viz. Joseph Dudley and Peter Bulkeley, esquires, Mr. Stoddard and Capt. Hutchinson, together with John Richards, esq. Mr. Joseph Cooke and Mr. Joseph Lynde, the senior magistrate appointing time and place, as a committee apply themselves to that work, and make return to the next adjournment of this session, any former order notwithstanding.”

October 18, 1681 (Records, v. p. 331):—

“The Court agree to proceed to the consideration of what is necessary to be done touching such laws as are objected against, and others of like nature, and to do therein what shall be incumbent on them and most conducive to their peace and safety.”

At this time a serious attempt was made to conciliate the king, by making alterations in the more objectionable laws of the colony. In May, 1681 (Records, v. 321–2), the Legislature amended some laws. At a session held February 16, 1681–2, the court passed a long and humble address to the king, and ordered that the Acts of Trade and Navigation should be published and observed. They established naval officers for Boston and Salem, and passed the following votes, March 17, 1681–2 (Records, v. 339):—

“It is ordered by this Court and the authority thereof, that the 12th section of the capital laws, title *Conspiracy, Rebellion*, and the 18th section of said laws, title *Rebellious Son*, be and are hereby repealed: also the law referring to *Christmas*, page 57, 58, and the word *Commonwealth*, where it imports jurisdiction, is hereby repealed, and the word *Jurisdiction* is hereby inserted.”

“If any man conspire and attempt any invasion, insurrection or public rebellion against the King’s majesty his government here established, or shall endeavor to surprise any town or towns, fort or forts therein, or shall treacherously and perfidiously attempt the alteration and subversion of our frame of polity or government fundamentally, he shall be put to death.”

The following petition from Joseph Hills (Mass. Archives, Vol. 100, p. 282), contains some information not given in his earlier one (printed *ante*, p. 79). It was first published by Dr. George H. Moore, in the Historical Magazine for February, 1868, p. 84 : —

“ To the Hon^d Generall Court holden at Boston 24 May, 1682.

“ The petition of Joseph Hills, humbly shewing, How it hath pleased the righteous God to lay upon y^r petitioner, a smart hand of visitation in the later part of his pilgrimage, totally bereaving him of the sight of his eyes, for more than 4 yeares now past, (besides sundry yeares dimmesse before) by meanes whereof he hath been utterly incapable of getting or saving anything towards his necessary subsistence, being now also more than 80 yeares of age besides other infirmities of body, which long have and are like to accompany him to his grave.

“ Your petitioner hath not been backward to his ability to be servicable with his person & estate to the co^mmon wealth: for besides other ordinary services, it pleased y^e court to make him one of the county co^mitty to draw up some orders necessary for y^e country in which service I went over all y^e Statutes in Pulton at large, collected such as I deemed just & necessary, drew them up in a small book in folio, and transmitted them according to order to the grand co^mitty at boston, (viz) Mr. Winthrop, Mr. Ward & others, after this it pleased the court to appoint a co^mitty to draw up a body of lawes for the Colony, (viz) Mr. Winthrop & sundry others whereof your petitioner was one, to examine all y^e Court records, from y^e first to that time, which for avoyding of far greater charge, it being the worke but of one, fell to my lott to be active in, in which I went over y^e 2 old bookes of recordes, y^e book of libertyes, & y^e greate booke then & since in y^e handes of Mr. Rawson, which lawes I brought together under theyr proper heades copy-wise, with exact markes of y^e severall emendations one way or other made therein, which (after examination & approbation of y^e Court) I was ordered to prepare for the presse, which I did, putting them together under theyr proper heads with y^e dates of y^e sundry lawes in the foot thereof, in the year 1648, in an alphabetical order, with an apt table for y^e more ready recourse to each law :

“ for which last service it pleased the court to make me some allowance, which was to my satisfaction, though short of the elaborate care, paines and time spent therein. these things I should not have touched upon, but that there are few of y^e Court as now constituted, that had y^e opportunity to have y^e cognizance thereof.

“ The premises considered, my petition is that I may be freed from all publick assessments, to y^e country, county (and secular things for y^e towne if it may be), for my infirme person and little estate now left, during the remaining part of my pilgrimage in this vale of teares.

“ So with my dayly prayers to god, only wise Just & mercifull, to guide you in all your momentous concernments, I crave leave to subscribe my selfe

Your very humble servant

JOSEPH HILLS.”

“In answer to this petition, the Mag^s. judge meet that the petitioner bee freed from Country and County rates during his life, their Bⁿ. the Deputyes hereto consenting.

P. BULKELEY, p. order.

June 1, 82

“Consented to by the Deputy^s

WILLIAM TORREY, Cleric.”

The order as it stands under date of October 11, 1682, is as follows (Records, v. p. 377): —

“In answer to the petition of Mr. Joseph Hills, bereaved of his sight for several years &c, the Court judgeth it meet to order that the petitioner be freed from country and county rates during his life.”

October 11, 1682 (Records, v. p. 378): —

“Whereas it hath been thought necessary and a duty incumbent on us, to take due notice of all occurrences and passages of God’s providence towards the people of this jurisdiction since their first arrival in these parts, which may remain to posterity, at that the Reverend Mr. William Hubbard hath taken pains to compile a history of this nature, which the Court doth with thankfulness acknowledge; and as a manifestation thereof, do hereby order the Treasurer to pay unto him the sum of fifty pounds in money, he transcribing it fairly into a book, that it may be the more easily perused, in order to the satisfaction of this Court.”

October 24, 1684 (Records, v. p. 464): —

“It is ordered that Elisha Cook, Esq., Mr. Saffyn, and Mr. Fairweather with the Secretary, be a committee to peruse and fit the laws for the press, and to peruse the Address and the Court’s letter to Mr. Humphreys.”

(Mass. Archives, Vol. 47, No. 66.) “This Court considering that there is great need for to reprint the Laws in which there is a necessity for the Emendation of severall things: Do therefore think it meet that a Committee be chosen out of both Houses to consider of some expedient for the easing of what may be or hath been gravaminous for many yeares, and to make a report thereof to this Court upon Tuesday next att Eight o clock in the morning; and the Court to be adjourned in the meane while.

Voted by the Deputyes the Honored Magistrates Consenting.

JOHN SAFFIN per Order.

Not consented to

EDWARD RAWSON Secret.”

8 May, 85.

May 6, 1685 (Records, v. 473): —

“It is ordered, that John Richards, Samuel Nowell and Elisha Cooke, Esquires, with Mr. Oliver Purchase, Mr. John Saffin, Capt. John Smith, Capt. Richard Sprague, and Mr. Henry Bartholomew, shall and hereby are appointed a committee to revise the laws, and especially such as have been made since the last committee had the perusal and revisal of the body of them, and to make a return to the next Court of Election.”⁵⁹

May 27, 1685 (Records, v. p. 476): —

“It is ordered that the committee appointed at the last sessions of General Court, so called upon to make their report to the Court of their revising the laws, especially those more lately made, in order to their consideration at this Court, and that the work of revising the whole book of laws, passing, [*perusing?*] and preparing them for the press, be forthwith attended and set about.”

“In obedience to the order of the honored General Court, dated 6th instant, empowering us a committee to revise the laws, especially those lately made, etc., — we accordingly have met and perused the said laws, and transferred them to their proper heads in the former transcript, where they will be found, sometimes wholly in their own words, sometimes in such necessary parts as were intended for alteration or explanation; which are either printed in said transcript in sheets, printed or written as there was occasion; to which we refer, reserving only the liberty of inserting the prefaces where reason may require.

JOHN RICHARDS, SAMUEL NOWELL,
ELISHA COOKE, JOHN SAFFYN, RICHARD SPRAGUE.”

Same date (Records, v. p. 479): —

“The Court went on, day by day, to revise and peruse the transcript of the laws.”

“For greater expedition in the present revisal of the laws, this Court doth order that they shall be sent to the press sheet by sheet; and that the Treasurer make payment to the printer for the same, paper and work, June 10th, 1685: and that Elisha Cook and Samuel Sewall, Esquires, be desired to oversee the press about that work.”⁶⁰

⁵⁹ Sewall notes in his Diary (i. 71) that the committee was chosen “at the earnest suit of the deputies, which would have had them make a report of next Tuesday, but agreed to be next Election Court.” As the Court met on Wednesday, May 6th, and dissolved on May 8th, the order to report even on Election Day, May 27th, did not afford much time. The report, however, according to the record, was called for as soon as the deputies had organized. — W. H. W.

⁶⁰ This entry is duplicated exactly under date of June 4, 1685 (Records, v. p. 484). — W. H. W.

It is somewhat surprising to find the foregoing references to a new revision of the Laws as being contemplated by the Legislature in 1681 and again in 1685, since there can be no doubt that the scheme utterly failed. The relations of the Colony to the English Government may, however, explain the mystery. The enemies of the Colony, especially Randolph, were exceedingly busy in their attacks upon the Charter. December 17, 1681, Randolph arrived with a letter from King Charles II., dated October 21, 1681, concluding as follows: "In default whereof, we are fully resolved in Trinity Term next ensuing, to direct our Attorney-General to bring a *quo warranto* in our Court of King's Bench, whereby our Charter granted unto you, with all the powers thereof, may be legally evicted and made void." (Palfrey, iii. 351.)

The General Court promptly assembled, altered some laws, prepared an address to the king, and notified him that the Colony had already sent Joseph Dudley and John Richards as agents to him. These agents arrived in London, August 20, 1682, but, hampered as they were by secret instructions, they were unable to accomplish anything. Randolph hastened home during the winter, and June 27, 1683, the writ of *quo warranto* was issued. He arrived in Boston with a copy of the writ, October 23, 1683, having been preceded by the agents by three days. The Legislature was convened on November 7, 1683, and the documents were presented to them. (Records, v. 421.) Their only action was to empower Mr. Robert Humphreys, of London, a barrister, to appear for them before the court.

Early in 1684, however, the Crown lawyers changed their plans and abandoned the *quo warranto*. Instead of this a *scire facias* against the Governor and Company of Massachusetts Bay was issued from the Court of Chancery, April 16, directed to the Sheriff of Middlesex, who made his return that he could not find the defendants, or anything belonging to them, within his bailiwick. May 12, a second writ was issued and the same return made. June 21, the Lord Keeper (North, Lord Guilford) made a decree vacating the Charter, suspending it, however, till the autumn term, to give time to the defendants to plead to issue.

Of course the Legislature of Massachusetts could not do this within the time, even had it been so inclined; and on October 23, 1684, the final judgment was entered, despite the motion for a stay of proceedings made by Mr. Humphreys. Palfrey (iii. 392-3) gives these facts and discusses the probable reasons why the Crown took this particular mode of cancelling the Charter.

Soon after this judgment, Charles II. died, and James II. succeeded to the throne, February 6, 1685. From the time that the news of both events reached Boston, the colonial government was of necessity known to be only provisional. Bradstreet and Danforth were chosen as Governor and Deputy-Governor, but the General Court transacted little important business. May 11, 1686, Randolph arrived with an exemplification of the judgment and commissions for a new government. There were to be a President, Deputy-President, and sixteen Councillors, and their authority extended over Massachusetts, New Hampshire, Maine, and the King's Province. Joseph Dudley was made President and William Stoughton, Deputy. On May 20, 1686, the General Court dissolved.

Finally, on December 20, 1686, Sir Edmund Andros arrived at Boston with a commission to govern all New England, and the Colonial period of Massachusetts was at an end.

In view of the political troubles in 1685, as hereinbefore recited, it seems impossible that any progress can have been made in printing a revisal of the whole code of laws. Samuel Sewall was one of the committee appointed in May, 1685, to oversee the printing; but his Diary says nothing about any work done. He makes certain entries, however, which may throw light on the abandonment of the scheme. Thus he writes, June 20, 1685, (Diary i., 83) that the Court adjourned till July 7, on a dispute between the branches as to the proviso to the title "Courts", section 2, of the Laws of 1672. Later on, he records very decided disputes between the branches as to what course should be pursued, now that the Charter was cancelled, in case Col. Kirke or any one else should arrive with a commission to be Governor.

Although the formal record of the Legislature as printed gives no light upon the matter of a new edition of the Laws in 1685, the Archives fortunately contain certain votes which failed between the branches and which fully explain it. They are preserved in Volume 47, title Laws.

As we have seen, the out-going Legislature on May 16 appointed a committee to revise the laws, and the new Legislature meeting May 17 promptly called for and received a report.

The following vote does not appear on the record, although it is of much interest as showing what was contemplated: —

(Mass. Archives, Vol. 47, No. 73.) “The Magistrates have voted that there be eight hundred copies of the Lawes printed for the Country’s use (and that no more be printed under the penalty of 5^s for each book) the said eight hundred to be delivered to the Treasurer. The Magistrates have past this, their brethren the deputys hereto consenting.

13 June 1685

EDWARD RAWSON Secret.

Consented unto by the Deputys

JNO. SAFFIN per Order.”

The temper of the branches was evidently very irritable. The next two votes failed to meet their joint approval, though the matter of the Preface was only the pretext, as will appear later.

(Mass. Archives, Vol. 47, No. 75.) “The Deputyes Consent that a suitable preface be drawn up and agreed upon to be Printed together with the lawes when the whole body of them are fully Revised and Considered of, and such as this Court doe not see meet to Repeale be transcribed and fitted for the press, as is understood to be the Intent and Agreement of this Court.

Voted by the Deputys the honored Magistrates Consenting

June 18, 1685

JNO. SAFFIN per Order

not consented to by the Magistrates

EDWARD RAWSON, Secret.”

(Mass. Archives, Vol. 47, No. 76.) “The Magistrates consent not hereto, and do therefore desire that a suteable preface may be drawn up for the printing of those wherein wee have agreed, and that all further agitation concerning those wherein wee can^t agree be forborn at present.

The Magistrates have past this, their brethren the deputys thereto consenting.

18th of June, 1685

EDWARD RAWSON Secret.

The Deputys Consent not

18 June 1685

JNO. SAFFIN, per Order”

(Mass. Archives, Vol. 47, No. 77.) “The Deputys Consent not to the repealing of the proviso in the Latter end of the second section of the Law title Courts, nor any part of that section unless our honoured Magistrates please to Consent with them in passing of this bill annexed, and then the said Proviso to bee repealed.

The Deputys have past this, our honoured Magistrats heerto consenting.

June the 19th, 1685

Richard Sprague per Order

8 July 1685

not consented to by the Magistrates

EDW^d. RAWSON, Secret.”

Sewall, who was deeply interested and in a position to know, records as follows, in his Diary, i. 83: —

“Satterday, June 20th, 1685.⁶¹ The Court not agreeing about the Proviso in the end of the 2^d Section of the Law, title ‘*Courts*,’ adjourns till Tuesday, July 7th, except Occasions be, and then the Governour is to call them sooner. The final difference between the Magistrates and Deputies is: The Governour and several with him would Repeal the Proviso, letting the rest of

⁶¹This matter of the Proviso to the Law about Courts had long been in dispute between the branches. I have already (*ante*, p. 89, foot-note 44) mentioned it, but a fuller account may be needed. The papers preserved in Vol. 48 of Mass. Archives show what was done in 1672. Without going into small details of errors and corrections in old laws, it seems that in 1652 (Rec. iv. part 1, p. 82) it was decided that when the branches differed in any case of judicature, whether civil or criminal, such case should be determined by the major part of the whole court. This was reenacted as a proviso in the code of 1660, the verbal change being, “shall be determined by the major vote of the whole Court met together.”

This citation, together with the matters therein referred to, shows that in the *first* printed Book of Laws (*i. e.* Code of 1649), the law of 1644 was placed. The marginal note to this paper (cited *ante*, p. 110) shows that the law was on p. 13 of that edition; that the laws of 1648 and 1649 were in the *second* printed book, folio 8: and the law of 1652 was in the third printed book, fol. 11.

The vote in 1652 (Records, iv. part 1, p. 82) reads thus: “Whereas there is a manifest and inconvenient mistake in the penning of the order, title General Court, page the 8th of the last printed book, that leaves all or most of the cases formerly issued in the General Court doubtful and uncertain, and takes away the negative vote, both of Magistrates and Deputies, in making laws, as well as in cases of judicature, which was not intended, much less consented to, it is therefore ordered, that for time to come, if there fall out any difference betwixt the Magistrates and the Deputies, in any case of judicature, either civil or criminal, it shall be determined by the major part of the whole Court, and the forementioned law is hereby repealed.”

It seems clear that in the second printed book, which was the first Supplement to the Code of 1649, some error had happened in transcribing the laws of 1648, 1649, on this topic. I find nothing relative thereto in the laws of 1648, unless it be the order about the records, already printed, (*ante*, p. 78); but in 1649, the following law was passed; October 17, 1649, (Records, ii. p. 285). “It is ordered, that in cases wherein there hath been difference, the next General Court should hear the case together and determine the case by the major vote.”

We must also note the following curious entry under date of October 18, 1650 (Records, iv. part 1, p. 35).

“It is ordered, that the interpretation of the law 283, concerning the greater part of the Magistrates and the greater part of the Deputies, are to be understood of the greatest number of those that are present and vote.”

The reference to law 283 takes us back to the order so numbered in the margin, which is dated March 3, 1635-6 (Records, i. p. 169-170), which reads “And whereas it may fall out that in some of the General Courts, to be holden by the magistrates and deputies, there may arise some difference of judgment in doubtful cases, it is therefore ordered, that no law, order or sentence shall pass as an act of the Court, without the consent of the greater part of the magistrates on the one part and the greater number of the deputies on the other part; and for want of such accord, the cause or order shall be suspended, and if either party think it so material, there shall be forthwith a committee chosen, the one half by the magistrates, and the other half by the deputies, and the committee so chosen to elect an umpire, who together shall have power to hear and determine the cause in question.”

This citation by the Magistrates of the law of 1644, which was in the *first* printed Book of the Laws (*i. e.* Code of 1649) seems to refer to the vote of March 7, 1643-4 (Records, ii. 58) which is as follows:—

“Forasmuch, as, after long experience, we find divers inconveniences in the manner of proceeding in Courts by magistrates and deputies sitting together and accounting it wisdom to

the Law stand as it does ; the Deputies have voted the Repeal of the Proviso, and withall that the Remainder of the Law have this alteration, viz. : instead of 'greater part of the Magistrates' — 'greater number of the Magistrates present' — : so to make the law new, as it might be construed contrary to the Charter. The Governour, Mr. Stoughton, Dudley, and several others would not consent."

The Legislature met on July 7 and adjourned on the 10th. It met again July 21 and adjourned on the 24th; having received

follow the laudable practice of other states who have laid groundworks for government and order in the issuing of business of greatest and highest consequence. —

"It is therefore ordered, first, that the magistrates may sit and act business by themselves, by drawing up bills and orders, which they shall see good in their wisdom, which having agreed upon, they may present them to the deputies to be considered of, how good and wholesome such orders are for the country, and accordingly to give their assent or dissent; the deputies in like manner sitting apart by themselves and consulting about such orders and laws as they in their experience shall find meet for common good, which agreed upon by them, they may present to the magistrates, who, according to their wisdom, having seriously considered of them, may consent unto them or disallow them; and when any orders have passed the approbation of both magistrates and deputies, then such orders to be engrossed, and in the last day of the Court to be read deliberately, and full assent to be given: provided also, that all matters of judicature which this Court shall take cognizance of, shall be issued in like manner."

It seems inexplicable that in 1650 the Legislature should be amending a law of 1635, when a totally different law had been passed in 1644, put into the Code of 1649, and clearly established. All that later portion of the law of 1635, which provides in case of a disagreement, for committees and an umpire, must have been superseled, if indeed it ever was in force. PALFREY, (i. 617-622) treats at large of this vote of 1641, which provided for the first time that the two houses should sit separately. The contest beginning in 1636 with Mrs. Sherman's pig, had at last involved the whole frame of government, and especially what was called the negative vote of the magistrates. The outcome as Palfrey says was that "the negative vote was not taken away but duplicated;" each branch had a negative upon the acts of the other.

Yet he does not seem to explain this vote of 1650, though he cites the vote of 1652. A careful perusal of § 2, title *Courts*, Code of 1660, seems to make it clear that the Code fairly expresses the intent of the laws of 1644, 1649 and 1652.

The marginal citation in 1660 are *Liber 1*, pp. 16 and 36, and *Anno 52*, p. 11. We may surmise therefore that *Liber 1*, (the code of 1649) contained the law of 1644. The Supplement undertook to quote the law of 1649; and if it repeated faithfully the words of that act that "in cases where there hath been difference, the next General Court should hear the case *together*;" — it would indeed as said in 1652 "take away the negative vote both of magistrates and deputies, *in making laws* as well as in cases of judicature" — since the words "cases where there hath been difference" would apply to all joint legislative acts as well as to appeals. Hence in 1652, the act of 1649 is amended by the provision that differences in regard to cases of judicature *only*, were to be settled in joint convention.

The law of 1660 represents the practice therefore from 1652, and in 1672 the same section and proviso were re enacted.

But this method of forcing an agreement was very disagreeable to the magistrates who fought against it in 1672 and 1673, reluctantly yielding the point at last, though their powers were thereby greatly curtailed. From the numerous messages between the branches at that time I make the following citation from one drawn by the Magistrates, as it seems to state their views most thoroughly. It is in Vol. 48, No. 114: —

"The present question — which is not concerning the power and authority of the General Court, consisting of Magistrates and Deputies, or whether that Court hath not the ultimate determination of all cases and causes proper to their cognizance. But whether the freemen or their delegates (which we acknowledge) may by their greater number over-rule the conclusion

the advice of the elders of the several towns, as requested by vote (Records, v. p. 492). Sewall says that thirty-one ministers met at Boston and their opinion was that "the Government ought not to give way to another till the Generall Court had seen and judged of the Commission: so should be called if not sitting at the Arrival of a Commissioned Governor." The Court re-assembled August 12 and adjourned the same day to September 16, when it was ordered that the session be ended and a second session be called for October 14. After a short session it adjourned October 22 (Sewall, i. 101) to November 17, sat one day then, and adjourned to February 16, 1685-6. Sewall adds that in case orders came from England the Secretary or the Treasurer was "to send forthwith to the Members of the Court, and to such others as Freemen may chuse, to convene two days after the Date of such Signification, to which time the Court is adjourned in such case."

and finally determine any and every case without the consent and against the judgment of any of the magistrates, or whether the consent of some of the magistrates with the deputies be not absolutely necessary to make any valid act in the General Court. The magistrates affirme this latter to be the plaine literal sense and true meaning of the patent, the foundation of our Government, consonant to right reason and the best security of the people's, especially the freemen's, liberties.'

"That branch of the law made in [16]52, if it may be called a regulation or irregation or direction of the manner and way of issuing causes of judicature in cases, which did (doubtless through inadvertency) repeale the order of [16]44 which concludes another manner of determining all causes in the General Court, and is in the first printed book of lawes. But the General Court nor their manner of proceeding is constituted by the order of [16]52 upon which the deputies insist, there being General Courts in act for 20 yeares before." &c &c

Little of this controversy in 1672 is to be found on the records of the General Court of course, as the various votes failed to receive joint assent. I find however an order dated May 15, 1672 (Records, iv. part 2, p. 516) as follows: "It is declared by the Court that they will attend the hearing of any case that is orderly depending and under the cognizance of this Court, provided that the directions given by the patent for the determination and issue thereof be attended."

May 7, 1673. (Rec. iv. part 2, p. 559), a committee, consisting of Samuel Symonds, Simon Bradstreet, William Stoughton, John Oxenbridge, Uriah Oakes, Joshua Hobart, John Richards, Henry Bartholomew, John Hull, and Samuel Torrey was appointed to consider whether by the Charter there was a negative in any part of the General Court. This seems to be three magistrates, two clergymen, and five deputies, including their clerk. The report dated Sept. 1, 1673, is in the Archives, Vol. 48, No. 125. It seems that eight members were present, and three did not vote. The report against there being such a negative power in either branch is signed by Symonds, Oxenbridge, Bartholomew, Hobart, and Richards. It does not appear to have been accepted, but the papers are voluminous, and quite worthy of being put in print. The question involved is, of course, the same as we are considering, viz., whether the Charter allowed a convention of the whole court, wherein all of the eighteen magistrates might be of one opinion and yet be overpowered by the numerical superiority of the forty or more deputies.

As we have seen, in 1672, the Magistrates raised the ingenious idea whether one at least of their number must not be on the side of the majority, and that suggestion deservedly failed. Now, in 1685, following out the same idea which had animated the magistrates from the start, they desired to do away the joint convention plan and obtain an absolute veto. In 1672, they claimed that their idea was "the plain literal sense and true meaning of the patent." In 1685 (*post*, p. 136) they demanded that the law be repealed and that "all things of that or the like nature shall be issued and determined as the patent directs," which would have given them the victory.

We have seen that the matter was unsettled at the adjournment in June, 1685, and the fight was at once renewed in July. On the 8th of that month the magistrates rejected the order then pending. The next two papers show the result of the four days' session, July 7, 10: —

(Mass. Archives, Vol. 47, No. 79.) “As a fynall Conclusion and determination of the question that hath bene soe long in debate, It is hereby ordered and inacted that the second section of the law tytle Courts be and is hereby repealed soe farr as it relates to the way and manner of yssuing and determining all things in the generall Court as the makeing of lawes and decrees &c, and that hereafter all things of that or the like nature shalbe yssued and determined as the Pattent directs.

The Magistrates have past this their brethren the Deputys hereto consenting

8 July 1685

EDWARD RAWSON Secret.

And if our Brethren the Deputyes do not see cause hereto to consent wee desire a speedy end may be putt to this Court.”

(Mass. Archives, Vol. 47, No. 80.) “Boston July 9, 1685. The Magistrates doe order that there be a present stopp to the printing of the Lawes till farther order; our brethren the Deputyes hereunto consenting.

J.A. RUSSELL pr Order.”

“The Deputys Consent not hereto; but since so much time and payns hath been already Expended in Revising of the lawes and proceeding so farr in the press with them, Desire that all such lawes as are not agreed upon by the vote of this Court to be Repealed, with those which have been amended or altered by Consent of both houses, be carried on to a full impression

July 9, 1685

JOHN SAFFIN per order

Not consented to by the Magistrates

EDWARD RAWSON, Secret.”

We have thus arrived to one certain fact. The magistrates had ordered the printing of the laws to be stopped, and the printer doubtless obeyed. When the Court reassembled, Sept. 16, 1685, the following ineffectual order was introduced: —

(Mass. Archives, Vol. 47, No. 81.) “The Deputyes beinge informed that there is a present stop in the presse about the Lawes, having bin ordered thither by this Court, and of the expectation of this house and generallytie of the Freemen being that they would ere this time have bin finished, Doe judge meete to order, that, that worke be forthwith proceeded in. to the perfecting of that Impression. And those Gentlemen appoynted and desired to oversee the press be ordered to take all due care thereof, desiring the consent of our honored magistrates herein

17 Sept. 1685

WILLIAM TORREY, Cleric.

Not consented to by the Magistrates

EDWARD RAWSON, Secret.”

On October 14, 1685, the Legislature met again, and the deputies renewed their attack, as follows:—

(Mass. Archives, Vol. 47, No. 84.) “The Deputys having once and again pressed the prosecution of the printing of the Lawes, and understanding there is a stopp in the progresse of that work, they haveing bin sent to the press by order of the whole Court, there being great expectation of the Freemen and others throughout the Jurisdiction of a new Impression thereof to come forth,— doe again manifest their desires that they may be proceeded in to a full Issue, according to our former Votes, sent up the 9th of July last; desiring our honored Magistrates’ consent hereto.

16th. 8th. 1685

Not consented to by the Magistrates

WILLIAM TORREY, Cleric.

EDWARD RAWSON, Secret.”

Finally, Sewall writes under date of Saturday, October 17: “Court adjourned till Tuesday morning next, partly because of the designed Training. Before adjournment, the Deputies sent down a smart Bill alleging that they were no blamable cause of the Laws not being printed.”

This “smart bill” was not entered on the full record, of course, and therefore is not to be found in the printed volume. Fortunately the document is preserved in the State Archives, Vol. 47, No. 82, subject, “Laws.” It is as follows:—

“The Deputys, understanding that it is imputed to them that there is a stop in the going forwards with the impression of the Lawes through their default in denying to Consent to the determining of maters according to our Charter, hold themselves bound for their owne vindication to Signifie they ar wholly ignorant that ever they have soe declared themselves by any vote or otherwise; but as they always have, soe still doe, Manifest their redyness to Attend the same, soe far forth as they have understood, and as was judged and practised by their Judicious predecessors, many of them the first patentees, and still desire the procedure to the full impression of the Lawes according to former vote of Y^e whole Court.

17th October 1685

the deputies have past this
with reference to the consent
of our honored Magestrats
for a proseedur.

SAMUELL TOMPSON per order

Not consented to by y^e Magists.

EDW. RAWSON Scert.”

As I no longer hold the opinion expressed in my former Introduction, that the matter in dispute was trivial and obscure, it may be added that the principle for which the Magistrates contended has since triumphed. Under the Second Charter each body in practice was independent of the other. In the Constitution of the Commonwealth, the Senate and House have a negative each on the other; the same rule prevails in Congress: and such seem now to be the accepted plan for all legislative bodies composed of two branches.

However, our interest at present is confined to the effect which this dispute had upon the projected issue of a new code of laws.

It may be safely concluded that very little progress had been made towards printing the new revision up to the adjournment in October, 1685, that the two branches were at a stand, with considerable personal feeling evinced; and that, with the well-known disinclination of the magistrates to take any responsibility in the unsettled state of the government, the disagreement between the branches afforded a sufficient pretext for abandoning the project.

We may, therefore, probably conclude that the various Supplements to the Code of 1672, as already reprinted from the Hutchinson copy, contain all the official publications of the Colonial Laws of a general nature, except Tax and Excise Acts, prior to the dissolution of the First Charter government.

In conclusion, I have to ask the reader of this Introduction to pardon its length, urging the apparent necessity of bringing into one collection all available facts in regard to the method adopted by our ancestors in preparing and publishing those general laws which are still, in part, in force in this Commonwealth.

As to the whole book, I hope I may apply the words of Judge Sewall, when sending to a friend a copy of the Statutes at Large for 1684, "You will find much pleasant and profitable Reading in it."

WILLIAM H. WHITMORE.

CITY HALL, BOSTON, October, 1890.

INDEX

TO THE

INTRODUCTION TO THE COLONIAL LAWS.

A

<i>ALLEN, JOHN</i>	
appointed from Middlesex county, 1645, on commission to draft body of laws . . .	73
on committee, 1650, to revise maritime laws . . .	115
ANCIENT CHARTERS AND LAWS published by the State in 1812 . . .	v
instance of omission in (<i>note</i>) . . .	vi
<i>ANDROS, SIR EDMUND</i>	
arrives, 1686, with commission to govern all New England . . .	131
ANTIQUARIAN SOCIETY	
American, at Worcester, Rawson's copy of laws of 1660 preserved in . . .	120
essay in Proceedings of, on Cambridge press	83
ARMY	
laws for the well-ordering of, sergeant-major-general and council war of authorized to make and execute . . .	72
<i>ASPINWALL, COL. THOMAS</i>	
owner of Lechford's copy of Records of General Court	vii
bought in England	xiii, xiv
<i>ASPINWALL, WILLIAM</i>	
Cotton's pamphlet reprinted by, in London, 1655	12
adoption of, disclaimed by	12

ASSISTANTS	
chosen under provisions of charter of 1629	2
court of, extent of powers exercised by	3, 99
empowered to make laws and choose officers	3
Records of, published by State	vi
1641-1644, contained in Lechford's copy	x, xiii
powers of, in divorce cases	99-101
ATHENEUM, BOSTON (see BOSTON ATHENEUM).	
AUDITOR GENERAL (see DUNCAN, NATHANIEL).	
appointed on committee, 1647, to perfect draft of laws	75
1647, to, prepare laws for press	76
1648, to examine laws in press	77
to insert amendment, to receive one copy of the book of laws, without price,	79
1649, to prepare supplement of 1650	104
1650, to revise maritime laws	115

B

<i>BACHELER, MARY</i>	
divorce	100
<i>BARLOW, SAMUEL L. M.</i>	
owner of Lechford's copy of Records of General Court	vii
<i>BARTHOLOMEW, HENRY</i>	
appointed, 1685, to revise body of laws	129
<i>BATCHELOR, JOSEPH</i>	
appointed, 1644, to examine Bellingham's revision of laws	72
<i>BELLINGHAM, RICHARD</i>	
share of, in preparation of Body of Liberties	18
deputed, 1635, to make draft of laws	4, 5
1637, to make codification, to examine laws	6
1642, to revise orders of court for publication	71
1644, examination of book of laws presented by	72
<i>BELLINGHAM, RICHARD, continued.</i>	
deputed, 1645, from Essex county, on commission to draft body of laws	73
1646, on sub-committee, to examine draft of body of laws	74, 75, 80
1647, to prepare laws for the press	76
1649, to prepare supplement of 1650	104
to arrange for printing, 1650, to revise maritime laws,	104
1652, to serve in court of election	115
to select laws to go to the towns	viii
1653, to examine laws	116
1656, to revise laws for publication	116
probably the chief incitor of the revision of 1649	117
revision of 1649	120

BODY OF LIBERTIES (see LIBERTIES, BODY OF).	
BOOKS	
of laws (see LAWS, PUBLICATION).	
list of, ordered for use of court, 1647, in making laws	76
BOSTON	
sends deputies to general court, 1634, deputies of 1639 to prepare code of laws	3
1642 to revise orders of court for publication	7
1642 to revise orders of court for publication	71
commissioners for Suffolk, to prepare draft of laws, to meet at	73
Shaw's History of, citation from	96, 97
titles of code of 1649 cited in records of selectmen	97
BOSTON ATHENÆUM	
manuscript copy of Body of Liberties preserved in	10
William S. Shaw, librarian of	10
CAMBRIDGE	
commissioners for Middlesex, to prepare draft of laws, to meet at	73
code of 1649 printed at	83
CAPITAL LAWS (see LAWS, CAPITAL).	
CHARLESTOWN	
sends deputies to general court, 1634, deputies of 1639, to prepare code of laws	4
Joseph Hill, member of house for	79
CHARTER	
ancient (see ANCIENT CHARTERS).	
of March 4, 1629, provisions of	2
attacks upon, by Randolph	130
cancellation of	130
CHICKERING, FRANCIS	
appointed, 1644, to examine Bellingham's revision of laws	72
CHRISTMAS	
law in relation to, repealed, 1681	126
CLARKE, DENNIS AND ANNE	
divorce	99
CLARKE, CAPTAIN THOMAS	
appointed, 1654, 1656, to revise laws of current session	117
1664, 1670, to prepare laws for publication	121, 122
1671, to cause book of laws to be printed	123
1674, to determine what acts of general court shall be printed	124
chiefly concerned in arranging the revision of 1660	129
CLEMENTS, WILLIAM	
divorce	100
CLERK	
of deputies, office established and duties prescribed, 1648	78
COBBET, THOMAS	
citation from his "Civil Magistrates Power," etc.	96
COMMISSIONERS, ROYAL	
changes in code of 1660 demanded by	121
COMMON LAW	
of England, compared with the Body of Liberties	17
COMMONWEALTH	
word "jurisdiction" substituted for, 1681	126

BOSTON PUBLIC LIBRARY	
now owns Lechford's copy of Records of General Court	vii, xvii
Thorowgood's "Jewes in America" to be found in	93
BRADSTREET, THOMAS	
appointed, 1645, from Essex county, on commission to draft body of laws, governor, chosen, 1685	73
seal of colony and duplicate of patent placed in hands of	131
BRIDGES, CAPT. ROBERT	
MS. records, 1644, in handwriting of,	124
BROOKE, THOMAS	
appointed, 1644, to examine Bellingham's revision of laws	xi
BULKELEY, PETER	
deputed, 1637, to revise drafts of laws presented from the towns,	72
1680, to revise laws	6
1680, to revise laws	125, 126

C

COMPANY OF THE MASSACHUSETTS BAY	
records of, previous to removal to New England	vii
CONNECTICUT	
code of laws of, modelled on Body of Liberties and revisions of 1649 and 1660	86
correspondences with Mass. code of 1649 (<i>note</i>)	87, 88, 89
CONSPIRACY	
law in relation to, repealed, 1681	126
COOKE, CAPT. GEORGE	
appointed from Middlesex county, 1645, on commission to draft body of laws	73
COOKE, ELISHA	
appointed, 1684, to prepare laws for press	128
reports, 1685, a revised draft	129
requested, 1685, to oversee printing of revised body of laws	129
COOKE, JOSEPH	
appointed, 1680, to revise laws	126
CORWIN, CAPT. GEORGE	
appointed, 1670, to prepare laws for publication	122
COTTON, REV. JOHN	
author of pamphlet erroneously cited as Body of Liberties	1
published anonymously in London, 1641	12
reprinted by William Aspinwall, 1655	12
by Gov. Hutchinson	11
requested, 1636, to make draft of "fundamentals"	5
unfounded claim to be author of Body of Liberties discussed	12-20
compilation by, presented to general court	6, 7
no action taken	6
appointed from Suffolk county, 1645, on commission to draft body of laws	73
COUNCIL OF WAR (see WAR).	

COURT OF ASSISTANTS (see ASSISTANTS, COURT OF).

COURTS

as to powers of (<i>note</i>)	99
Essex county, citations of code of 1649 in files of	100
Middlesex county, citations from code of 1649 in files of	102
Suffolk county, citation of code of 1649 in files of	98
COURT, GREAT AND GENERAL	
Records of, published by State	vi
Lechford's copy now in Boston Public Library.	vii
under charter of 1629, composition, times of meeting, authority of	2
confers upon governor and assistants the power of making laws, etc.	3
sole authority in itself to make laws, etc., voted	4
system of election, sessions, etc., established, 1634	4
only two sessions annually, May and October	5

DANE, NATHAN

appointed, 1812, on committee to prepare for publication "Ancient Charters and General Laws" v

DANFORTH, THOMAS

appointed, 1658, to oversee printing of laws 118
 compensation 119
 ordered to make an index to revision of 1660 119
 appointed, 1664-5-6, to prepare laws for publication 121, 123
 1671, to cause the book of laws to be printed 123
 1679, to revise laws 125
 chosen deputy governor 131

DAVIS, A. M.

essay on subject of printing press at Cambridge 83, 85

DAVIS, CAPT. WILLIAM

appointed to see revision of 1672 through the press 123

DAVY, HUMPHREY

appointed, 1674, to determine what acts of general court shall be printed 124
 1680, to revise laws 126

DAY, STEVEN

work done by, on printing press at Cambridge 84

DEAN, JOHN WARD

memoir of Rev. Nathaniel Ward, by 18

DENISON, MAJ.-GEN. DANIEL

1654, to edit laws for publication 116
 1658, to revise and report to general court 118
 to make alterations in preface to laws 82
 chiefly concerned in production of revision of 1660 120
 notice of (*note*) 120

DIVORCE

early decrees of 99-101

DORCHESTER

sends deputies to general court, 1634, 4

DOVER

twenty copies of revision of 1660 allotted to 119

COURT, GREAT AND GENERAL, *continued.*

commission appointed by, to frame a body of grounds of laws, 1635	4, 5
to revise drafts of laws presented from the towns, 1637	6
to draw up a code, 1639	7
Ward's code adopted by	9
legislation by, 1641 to 1672	71
authorizes publication of code of 1649	82
each member to receive one copy of revision of 1649 without price	79
distribution of copies of revision of 1660 among	119
order of, 1682, exempting Joseph Hills from taxation	128
prepares address to the king, 1682	130
disagreement between the branches as to what shall constitute a majority vote	131, 133
CO WLEY, CHARLES	
pamphlet, "Our Divorce Courts"	99

D

DOWNING, MR.

authorized to get copies of laws and liberties, etc. 9

DUDLEY, JOSEPH

appointed, 1679, 1680, to revise laws, 125, 126
 sent to the king, 1682, as agent of colony 130
 made president, 1686, under commission of James II. 131

DUDLEY, THOMAS

deputed, 1635, to make a draft of laws 4, 5
 1639, to prepare a code 7
 share of, in preparation of Body of Liberties 18
 appointed to revise Body of Liberties, 1643 71
 sergeant-major-general, 1644, empowered to make laws for the well-ordering of the army 72
 appointed from Suffolk county, 1645, to draft body of laws 73

DUNCAN, LIEUT. NATHANIEL

(Auditor-General, 1645-1657).

appointed from Suffolk county, 1645, on commission to draft body of laws 73
 1646, on sub-committee to examine draft of body of laws 74, 75
 1647, on committee to prepare laws for the press 76
 1648, to examine laws in press 77
 1649, to prepare supplement of 1650 104
 1650, to revise maritime laws 115

DUNSTER, HENR

president of Harvard college, 1640-1654 84
 marriage to widow of Josse Glover 83
 ownership of printing-press 84
 presented, 1654, for disturbing church service 102
 directed to print the laws 116
 other publications by 84

E

EASTOWE, WILLIAM
 appointed, 1644, to examine Bellingham's revision of laws 72

ELDERS
 answer of, to questions submitted, 1644, by general court 72

ENDICOTT, JOHN
 owner of Lechford's copy of records ix, x
 deputy, authorized to get copies of laws and liberties, etc. 9

ENDICOTT, JOHN, continued.
 governor, appointed, 1654, to revise laws of current session 116
 authorized, 1658, to make alterations in preface to laws 82, 118
 new seal and press provided by 124

ESSEX COUNTY
 commissioners appointed from, 1645, to draft body of laws 73
 citations from code of 1649, in court files of 100

F

FAIRWEATHER, MR.
 appointed, 1684, to prepare laws for press 128

FINES
 imposed by court of assistants 3

FIRST BOOK OF THE LAWS (see *Laws*).

FISHER, CAPT. DANIEL
 appointed, 1679, 1680, to revise laws 125

FORCE'S TRACTS
 Cotton's pamphlet reprinted in, 1844 1

FOSTER, CAPT. HOPESTILL
 appointed, 1670, to prepare laws for publication 122

FREEMAN, SAMUEL
 divorce 99, 100

FREEMAN'S OATH, THE
 issued from press at Cambridge 84

FREEMEN
 sole power to choose and admit, vested in general court 4
 admission by inferior courts 25
 powers of, to be exercised by deputies chosen to general court 4

FRYAR, ELIZABETH
 divorce case 99

FUNDAMENTALS
 draft of, commission appointed to prepare 5
 presented to general court, 1636 6
 freemen to collect and present to governor, 1637 6
 commission appointed to codify, 1639 7
 compared with Magna Charta 16
 with common laws of England 17
fac-simile pages 66

G

GENERAL COURT (see *COURT, GREAT AND GENERAL*).

GLOVER, JOHN
 appointed, 1645, substitute in place of Mr. Pritchard on commission to draft body of laws 73
 1652, to serve in court of election viii
 1652, to select laws to go to the towns 116
 1653, to examine laws 116

GLOVER, JOSSE
 printing-press given by 83

GOODELL, ABNER C.
 editor of General Laws of the Province 6

HOOKING, CAPT.
 Treasurer, to determine price of volumes of laws of 1660 119

GOVERNOR
 provided for in charter of 1629 2
 with deputy and assistants, empowered to make laws, etc. 3
 to summon general court four times a year 4
 deputed, 1635, to make a draft of laws 4, 5

GOVERNOR, continued.
 deputed, 1637-39, to revise and codify models of laws presented by the freemen 6, 7
 1643, to revise orders of court, 1642, and Body of Liberties 71
 1645, from Suffolk county on commission to draft body of laws 73
 1646, on committee to perfect draft of body of laws 75
 1647, on committee to prepare laws for the press 76
 1654, to revise laws of current session 117
 seal, duplicate of patent, etc., to remain in hands of 125

GRAY, FRANCIS CALLEY
 discovers and prints, 1843, Body of Liberties xvi

GREEN, SAMUEL
 work done by on printing-press at Cambridge 84
 order for Treasurer, 1659, to pay for printing laws (*note*) 117, 118

H

- HALL, JOHN AND DORCAS*
divorce 100
- HALSALL, GEORGE AND JANE*
divorce 99, 100, 101
- HARVARD COLLEGE**
president of (see DUNSTER, HENRY).
Law library of, pages of supplements to code of 1660 supplied from 120
- HAWTHORNE, WILLIAM*
deputed, 1637, to revise drafts of laws presented from the towns 6
requested to procure copy of Liberties 9
appointed from Essex county, 1645, on commission to draft body of laws 73
1650, to revise maritime laws 115
1672, to collect matter for supplement to laws 123
- HAYNES, JOHN*
governor, 1635, deputed to make a draft of laws 4, 5
- HIBBENS, WILLIAM*
appointed, 1643, to revise Body of Liberties 71
1645, from Suffolk county, on commission to draft body of laws 73
1646, on committee to perfect draft of body of laws 75
1652, to select laws to go to the towns 116
1653, to examine laws 116
- HILL, JOSEPH*
substitute for Capt. Cooke on commission to draft body of laws 73
appointed, 1646, on committee to perfect draft of body of laws 75, 79, 80
1647, on committee to prepare laws for the press 76, 80
to make final examination of the book of laws upon publication 7
1648, to examine laws in press 77, 80
to receive one copy of book of laws, without price 79
1649, allowed £10 for services 79
on committee to prepare supplement of 1650 104
- HILL, JOSEPH, continued.*
appointed, 1649, to arrange for printing 104
supplement prepared and put through the press under supervision of 99, 120
1652, to examine and revise records viii, 116
1653, statement of services and petition for recompense 79
allowed £10 80
1653, 1654, to examine laws passed by general court 117
1656, presented for "marrying of himself" 103
1682, petition to general court for exemption from taxes on account of poverty, blindness, etc., public services of 127
79
- HILTON, WILLIAM*
appointed, 1644, to examine Bellingham's revision of laws 72
- HOADLEY, CHARLES J.*
editor of records of New Haven colony 86
- HOWARD, LIEUT.*
appointed, 1644, to examine Bellingham's revision of laws 72
- HUBBARD, CAPT. JOSHUA*
appointed, 1670, to prepare laws for publication 122
- HUBBARD, REV. WILLIAM*
grant of £50 to, in acknowledgment of services in compiling history of colony 128
- HUMPHREYS, ROBERT*
appears at London for colony 130
- HUTCHINSON, CAPT. EDWARD*
owner of Lechford's copy of Records x, xii
- HUTCHINSON, ELISHA*
collection of papers, Cotton's pamphlet reprinted in, 1769 1
possessor of MS. copy of Body of Liberties 10
fac-simile reprint of 32
possessor of Lechford's copy of records x, xii
appointed, 1680, to revise laws 125, 126
- HUTCHINSON, GOV. THOMAS*
owner of Lechford's copy of records of general court vii, xiii
Rev. John Cotton's book reprinted by cited by Dr. Moore in pamphlet on date of code of 1649 83

I

- IMPRISONMENT**
inflicted by court of assistants 3
- INDEX**
to revision of 1660, Thomas Danforth ordered to make 119
to Body of Liberties 63
- IPSWICH**
magistrates residing at, appointed to revise Body of Liberties, 1643 71
commissioners for Essex, to prepare draft of laws, to meet at 73

J

JOHNSON, LIEUT. EDWARD
 appointed, 1644, to examine Bellingham's revision of laws 72
 1645, from Middlesex county, on commission to draft body of laws 73, 75
 1646, 1647, on sub-committee to examine draft of body of laws 74
 1652 to examine and revise records viii

JOHNSON, LIEUT. EDWARD, continued.
 appointed, 1670, to prepare laws for publication 122
 author of "Wonder-Working Providence" (*note*) 75
JOHNSON, LIEUT. WILLIAM
 appointed, 1680, to revise laws 125
JURISDICTION
 substituted, 1681-2, for word "Commonwealth" in laws 126

K

KEAYNE, CAPT.
 appointed on committee to prepare supplement of 1650 104
KINGSLEY, STEPHEN
 appointed, 1644, to examine Bellingham's revision of laws 72

KNOWLES, MR.
 substitute in place of Mr. Allen on commission to draft body of laws 73

L

LANDS
 granted by court of assistants 3
 sole power to dispose of, vested in general court, 1634 4
LAWS
 of Province, 1692 to the revolution, published by state vi
 public and general, of Colony and Province, published by state in 1812 v
 incompleteness of, edition of 1649, lost, but may be reconstructed 1
 spurious code of 1
 the work of Rev. John Cotton 1
 proposed but never accepted 2
 authority of general court to make, under charter of 1629 2
 governor, deputy and assistants empowered to make 3
 sole power to make, vested in general court 4
 to be made at October session 5
 passage of, concurrence of majority of magistrates and deputies required 5
 body of grounds of, commission appointed to frame, 1635 5
 fundamentals, commission appointed, 1636, to make draft of 5
 reported to general court, no action taken 6
 freemen to collect and present to governor, 1637 6
 commission appointed to codify for general court 6, 7
 code prepared by Nathaniel Ward adopted in 1641 8

LAWS, continued.
 manuscript copies of 9, 10
 of 1641 and 1660, Body of Liberties traced in 21, 27
 of 1660, sections of Liberties not incorporated in 27, 28
 common, of England, Body of Liberties compared with 17
 capital, ordered to be printed, 1642 71
 in Body of Liberties 54
 issued from press at Cambridge bridge 84
 amendments to, 1681 126
 printing of, by Dunster, Day and Green, on press at Cambridge 84
code of 1649:
 commission appointed, 1642, to examine and perfect orders of last court, 1643, to consider the Body of Liberties 71
 1644, to examine Bellingham's report 72
 ship-owners and builders, 1644, to make and present laws for consideration of general court 72
 general laws of 1644, ordered published to the town 72
 commissioners appointed, 1645, to present draft 73, 80
 sub-committees appointed, 1646, to examine draft 74, 75
 authorized, 1647, to make change of form as occasion may require 76
 books procured, 1647, for use of court in making laws 76
 orders, 1647, to committee preparing laws for press 77
 examined and put to press, 1648 77
 amendment, 1648, while in press 77
 allowance to John Wayte for copying book of 77
 labors of Joseph Hills upon 79

LAWS, *continued.*

code of 1649:

transcription of old laws not included in printed revision, 1648 78

distribution of printed copies, 79

referred to as the "first printed book" 104

forms, size, and contents of 83, 86

probable size of edition 84

date of publication, examination of Dr. Moore's pamphlet on 81

order to sell in quires at 3s. the book 79

price quoted at 17d. a book 85

destruction of copies 85

arranged alphabetically under titles, correspondences in New Haven and Connecticut codes (*note*) 87, 88, 89

 in titles of revision of 1660 (*note*) 90

citations from, in proceedings of general court 86-92

 in Thorowgood's "Jewes in America" 93

 of titles in records of selectmen of Boston 97

 in code of 1660 92

 in Essex court files 100

 in files of Middlesex court, in Suffolk court files 98

table of titles known to be in printed code 103

Bellingham probably chief inciter of edition 120

supplement of 1650:

committee appointed to prepare, with table 104

 to print 104

referred to, as the "second printed book" 104

correspondences in Connecticut code of 1650 105

citation from title "Ecclesiastical," by Thorowgood 106

date as fixed by citation in later books of the laws 106

marginal citations of, in code of 1660 107

supposed contents of 106, 107

prepared and put through the press by Joseph Hills 120

supplements of 1654 and 1657:

reference to, in records, 1673, of general court 110

 in marginal citations, code of 1660 110-113

known as "third printed book" and "fourth printed book" 114

committee appointed, 1650, to revise *Lex Mercatoria* 114

copy of general orders of each court to be sent to each town 115

publication of, by reading in town meeting 115

committee to examine, 1652 viii, 116

orders of each session to be printed and distributed, 1654 116

 committee appointed to edit 117

legislative procedure, readings on three several days required before enactment 117

all general laws to date, 1657, ordered transcribed and printed 117

LAWS, *continued.*

revision of 1660:

Major-General Daniel Denison, 1658, ordered to revise the laws, to prepare for the press and make alterations in preface, to be of force thirty days from Oct. 16, 1660 118

orders, 1659, 1660, for printing and distribution 119

Thomas Danforth ordered to make an index 119

amendments and additions published in yearly supplements 120

changes in, demanded by the Royal Commissioners 121

marginal citations in, from liber 1 92

Secretary Rawson's copy preserved in Library of Am. Antiq. Soc. at Worcester 120

pages of supplement supplied by copy in Harvard Coll. Law Library 120

edition of 1672:

orders preparatory for 121

committees appointed to prepare 122

printing and disposition of 123

order to prepare preface and table 123

copyright voted to John Usher for seven years 123, 124

supplements issued annually in consecutive pages 125

new codifications proposed and committees appointed, 1679, 1680 125, 126

amendments, 1681-2, to conciliate the king 126

committee appointed, 1684, to prepare for press 128

proceedings in revision of 129

reported and ordered to press 129

explanation of the failure to print the new revision of the body of laws 130

cancellation of the charter, 1684 130

arrival of Andros, 1686, and end of colonial period 131

votes which failed between the two branches of the general court 131, 132

grounds of the dispute between the magistrates and deputies 133-136

history of the dispute (*note*) 133

printing of the laws stopped 136

final disagreement 137

LECHFORD, THOMAS

copy of Records described vii, ix, x

ownership by Gov. Endicott and others ix, x

manuscript copies of Body of Liberties made by 8

changes in Ward's draft suggested by, 19

LEGISLATION (see LAWS).

from 1641 to 1672 71

LEX MERCATORIA

committee appointed, 1650, to revise, 114

LIBERTIES, BODY OF

a spurious code cited as 1

 the work of Rev. John Cotton 1

 published in London, 1641 1

 reprinted, 1655, 1798, 1844 1

 proposed, but never accepted 2

 disclaimed by William Aspinwall 12

BODY OF LIBERTIES, *continued.*
 prepared by Rev. Nathaniel Ward
 and adopted in 1641 8, 120
 manuscript copies of 8, 9, 10
 sent to the several towns, 9
 established for three years 9
 evidence showing actual contents of, 15
 comparison with Magna Charta and
 common laws 16
 existed in a separate MS. about 1648, 122
 traced in the edition of laws of 1641
 and 1660 21-27
 sections not incorporated in statutes
 of 1660 27, 28
 fac-simile reprint of Hutchinson
 manuscript of 32
 table of contents 30
 index 63
 fac-simile references to, in fac-simile, 66

MAGNA CHARTA
 comparison of Body of Liberties
 with 16
MAJOR GENERAL (see DENISON,
 DANIEL).
 authorized, 1658, to make alterations
 in preface to laws 82
 preparation of code of 1660 for
 press by 116, 118
 chiefly concerned in arranging code
 of 1660 120
MAJORITY
 in vote of magistrates, disagreement
 as to what shall constitute 131, 133
MALDEN
 Joseph Hill, member of House for 79
MANUSCRIPT
 Body of Liberties, copies made in 8, 9, 10
 miscellaneous, list of, prefixed to
 the Hutchinson volume 10
 comparison of the Elisha Hutchin-
 son MS. with laws and liberties,
 by Thomas Lechford, of records
 prior to 1646 vii, ix, x
MARITIME LAWS
 acts of trade and navigation ordered,
 1684, to be published and observed, 126
 committee appointed, 1650, to re-
 vise 114, 115
**MASSACHUSETTS BAY, COMPANY
 OF THE** (see COMPANY OF THE
 MASSACHUSETTS BAY).

NEWBURY
 Joseph Hill, member of House for 79
NEW HAVEN
 colony, code of laws of, modelled on
 Body of Liberties and revisions of
 1649 and 1660 86
 correspondences with Mass. code of
 1649 (*note*) 87
NEWTOWN (Cambridge)
 sends deputies to general court, 1634, 4
NORTH, LORD GUILFORD
 issues decree vacating charter, 1684, 130
NORTON, CAPT. FRANCIS
 appointed from Essex county, 1645,
 on commission to draft body of
 laws 73, 79

BODY OF LIBERTIES, *continued.*
 reference to, by elders, in answer to
 question of general court 72
 revisions of 71
 not entered on the records of gen-
 eral court v
 rediscovered by F. C. Gray and
 printed by him in 1843 xvi
LIBRARY, PUBLIC, OF BOSTON
 (see BOSTON PUBLIC LIBRARY).
LUSHER, MAJ. ELIAZER
 appointed, 1670, to prepare laws for
 publication 122
 1672, to collect matter for
 supplement to laws 123
LUXFORD, JAMES
 divorce case 99
LYNDE, JOSEPH
 appointed, 1680, to revise laws 126

M

**MASSACHUSETTS HISTORICAL
 SOCIETY**
 Cotton's pamphlet reprinted in Col-
 lections of 1
MATHER, REV. RICHARD
 appointed from Suffolk county, 1645,
 on commission to draft body of laws, 73
MEADCALFE, JOSEPH
 appointed, 1644, to examine Belling-
 ham's revision of laws 72
MEKINS, THOMAS
 appointed, 1644, to examine Belling-
 ham's revision of laws 72
MIDDLESEX COUNTY
 commissioners appointed from, 1645,
 to draft body of laws 73
 citations from code of 1649 in court
 files of 102
 sheriff of, 1684, return made by, on
 writ of *scire facias* against Govern-
 or and Company of Massachusetts
 Bay 130
MOORE, DR. GEORGE H.
 of the Lenox Library, examination
 of pamphlet concerning date of
 code of 1649 81
 extracts from Thorowgood's "Jewes
 in America" 93
 citation from Thomas Cobbet 96
 citation from Snow's "History of
 Boston" 96
 petition of Joseph Hills, 1682, pub-
 lished by 127

N

NORTON, CAPT. FRANCIS, *continued.*
 appointed 1649, disposition of books
 of 118
 1666, to prepare laws for
 publication 121
NOWELL, INCREASE
 clerical aid by, in keeping Records vii
 appointed 1645, from Middlesex
 county, on commission
 to draft body of laws 73
 1649, to prepare supple-
 ment of 1650 104
 1650, to revise maritime
 laws 115
NOWELL, SAMUEL
 reports, 1685, revised draft of laws 129

O

OFFICERS	
executive, court of assistants empow- ered to choose	3
sole power to appoint or remove, vested in general court	4

ORDINANCES	
authority of general court to make, under charter of 1629	2

P

PALMER, WILLIAM AND ELINOR	
divorce	100
PARKES, WILLIAM	
appointed, 1664, to prepare laws for publication	121
PELLHAM, HERBERT	
appointed from Middlesex county, 1645, on commission to draft body of laws	73, 79
PETERS, REV. HUGH	
deputed, 1636, to make draft of "fundamentals"	5
1637, to codify drafts pre- sented from the towns	6
PHILLIPS, REV. GEORGE	
deputed, 1637, to revise drafts of laws presented from the towns	6
POPE, WILLIAM	
divorce case	100
PORTSMOUTH	
twenty copies of revision of 1660 allotted to	119
PRENCE, GOV. THOMAS	
second marriage	100
PRESCOTT, WILLIAM	
appointed, 1812, on committee to pre- pare for publication "Ancient Charters and General Laws"	v
PRESIDENT (see DUNSTER, HENRY)	
of Harvard College, laws to be printed by	116
PRICHARD, HUGH	
appointed from Suffolk county, 1645, on commission to draft body of laws	73

PRINCE SOCIETY	
reissue of Hutchinson's collection of papers by	1, 12
PRINTING PRESS	
at Cambridge, given by Josse Glover and others	83
issues from, by Dunster, Day and Green	81
PROVINCE	
laws of, published by State	vi
PROVISO	
in title "courts," as to majority vote, disagreement between magistrates and deputies	131, 133
PRUDENTIAL AFFAIRS	
origin and significance of term (<i>note</i>), prudential equivalent to prudent (<i>note</i>)	12 14
PSALM BOOK	
issued from press at Cambridge	81
PUBLICATION	
of capital laws	71
of revision of laws, 1649, 1660	71
of general laws of 1644, ordered to be made to towns	72
of code of 1649, ordered	77
of supplement of 1650	104
of general laws by reading in public town meeting	115
of laws, psalms, etc., by H. Dunster, Day and Green	84
of revision of 1660	120
PURCHASE, OLIVER	
appointed, 1685, to revise body of laws	129

R

RANDOLPH, EDWARD	
bearer of letter, 1681, from Charles II.	130
arrives with commissions for a new government	131
RAWSON, EDWARD	
clerical aid by, in keeping records	vii
appointed, 1647, to make final exam- ination of the book of laws before publication,	77
1649, to arrange for print- ing supplement of 1650,	104
1652, 1653, 1654, to select laws to go to the towns, 116, 117	119
grant of land for services,	119
1664, 1665, 1666, to pre- pare laws for pub- lication	121
to make preface and table to revision of 1672	123

RAWSON, EDWARD, continue d.	
appointed 1674, 1680, to determine what acts of gen- eral court shall be printed	124, 126
1680, to revise laws	126
1684, to prepare laws for press	128
chiefly concerned in arranging the revision of 1660	120
REBELLION	
law in relation to, repealed, 1681	126
RECORDS	
of colony, 1629-1686, published by State	v
of general court, published by the State	vi
edited by Dr. Shurtleff	vi
amended in sec- ond issue	xiv, xv

RECORDS, *continued.*
of general court, Lechford's copy
now in Boston Public Library . . . vii, xvii
entry in Lechford's note book concerning . . . ix
ownership by Gov. Endicott and others . . . ix, x
comparison of Shurtleff's Vol. III. with Lechford's copy . . . x, xi, xii
old volumes cited in 1652 . . . viii
provision for transcribing . . . viii, 78
transcribed by Joseph Hills . . . 80
list of references in, to laws subsequent to code of 1649 . . . 87
entries in regard to laws enacted between 1650 and 1660 . . . 114
subsequent to publication of revision of 1660 . . . 120

SAFFIN, JOHN
appointed, 1684, to prepare laws for press . . . 128
reports, 1685, a revised draft . . . 129
SALEM
sends deputies to general court, 1634 . . . 4
SAUGUS
sends deputies to general court, 1634 . . . 4
SAVAGE, CAPT. THOMAS
appointed, 1656, to revise laws for publication . . . 117
SEAL
of colony. purchase and custody of . . . 124
SECOND BOOK OF THE LAWS
(see LAWS).
SECRETARY
(Increase Nowell, 1636-1650. Edward Rawson, 1650-1685.)
to transcribe old records, 1652 . . . viii
to print laws . . . 71
to compare amendments . . . 77
to prepare journal . . . 78
to print supplement, 1649 . . . 104
of committee on *Lex Mercatoria* . . . 115
to examine laws, 1656 . . . 116
to send laws to press, 1657 . . . 117
grant of land for services . . . 119
to examine laws, 1665-66 . . . 121
to make preface, etc., 1672 . . . 123
to revise laws, 1684 . . . 128
1674, 1680, to determine what acts of general court shall be printed . . . 124, 126
SERGEANT-MAJOR-GENERAL
(Thomas Dudley)
authorized, 1644, to make laws for the well-ordering of the army . . . 72

RECORDS, *continued.*
of court of assistants, 1641-1644, contained in Lechford's copy . . . x, xiii
of county courts, references in, to code of 1649, Suffolk . . . 98
Essex . . . 100
of county code of 1649, Middlesex . . . 102
of selectmen of Boston, citations of code of 1649 in . . . 97
of Connecticut colony . . . 86
of New Haven colony . . . 86
RICHARDS, JOHN
appointed, 1679, 1680, 1685, to revise laws . . . 125, 126, 129
reports, 1685, revised draft . . . 129
sent to the king, 1682, as agent of colony . . . 130
RICHARDSON, JOHN
divorce case . . . 99
ROGERS, NATHANIEL
appointed from Essex county, 1645, on commission to draft body of laws . . . 73
ROXBURY
sends deputies to general court, 1634, deputies of, 1639, to prepare code of laws . . . 7
RUSSELL, RICHARD (*Treasurer*)
allowance, 1651, for loss incurred upon edition of laws of 1649 . . . 85
appointed to see revision of 1672 through the press . . . 123

S

SEWALL, SAMUEL
requested, 1685, to oversee printing of revised body of laws . . . 129
extracts from diary of, as to dispute between magistrates and deputies, 131, 133
SHAW, CHARLES
citation from his *History of Boston* . . . 96, 97
SHAW, WILLIAM S.
librarian of Boston Athenæum, 1813 to 1822 . . . 10
SHEPHERD, REV. THOMAS
deputed, 1636, to make draft of "Fundamentals" . . . 5
1637, to codify drafts presented from the towns . . . 6
appointed from Middlesex county, 1645, on commission to draft body of laws . . . 73, 79
SHIPPING
owners and builders to make and present laws, 1644, to general court . . . 72
acts of trade and navigation ordered, 1681, to be published and observed, revision of maritime laws . . . 114
SHURTLEFF, DR. NATHANIEL B.
editor of records of general court and assistants . . . vi
printed edition of records amended in second issue . . . xiv, xv
SMITH, CAPT. JOHN
appointed, 1685, to revise body of laws . . . 129
SNOW, DR. CALEB H.
citation from his "*History of Boston*" . . . 96
SON, REBELLIOUS
law in relation to, repealed, 1681 . . . 126

SPENCER, WILLIAM
deputed, 1637, to revise drafts of laws presented from the towns . . . 6

SPRAGUE, CAPT. RICHARD
appointed, 1644, to examine Bellingham's revision of laws . . . 72
reports, 1685, revised draft of laws . . . 129

STEVENS, WILLIAM
appointed 1644, to examine Bellingham's revision of laws . . . 72

STODDARD, ANTHONY
appointed, 1665, to prepare laws for publication . . . 121
1679, 1680, to revise laws . . . 125, 126

STORY, JOSEPH
appointed, 1812, on committee to prepare for publication "Ancient Charters and General Laws" . . . v

STOUGHTON, WILLIAM
deputed, 1639, to prepare code of laws 1671, to see revision of 1672 through the press . . . 123
1680, to revise laws . . . 125
made deputy governor, 1686, under commission of James II. . . 131

SUFFOLK COUNTY
commissioners appointed from, 1645, to draft body of laws . . . 73
citations from code of 1649 in court files . . . 98

SYMONDS, SAMUEL
appointed, 1641, on sub-committee to examine draft of body of laws . . . 74
1654, to edit laws for publication . . . 116

T

TAXES
levied by court of assistants . . . 3
sole power to levy, vested in general court, 1634 . . . 4

THOROWGOOD, THOMAS
copy of code of 1649 received by . . . 86
citations from code of 1649 in his "Jewes in America" . . . 93
title "Ecclesiastical," in code of 1649, quoted by . . . 106

TREASURER (RICHARD RUSSELL)
allowance, 1651, of £20 for loss incurred upon edition of laws of 1649 . . . 85
to have copy of laws without payment . . . 115

TREASURER (RICHARD RUSSELL), continued.
distribution of books of laws (1650) by . . . 119
to pay for printing of, and to dispose of revision of 1672 . . . 123
to purchase seal and screw of executrix of Gov. Leverett . . . 124
to pay Rev. William Hubbard £50 for services in compiling history of colony . . . 128

TRUMBULL, J. HAMMOND
code of Connecticut laws printed by, . . . 86

TYNG, WILLIAM
appointed, 1647, on committee to prepare laws for the press . . . 76

U

UPHAM, WILLIAM P.
examination of Lechford's copy of records by . . . ix, xiii
suggestion as to citations from code of 1649 in Suffolk court files . . . 97

USHER, JOHN
publication of revision of 1672 by, copyright voted for seven years, . . . 123, 124

V

VANE, HENRY
governor, 1636, deputed to make draft of "Fundamentals" . . . 5

W

WAR
council of, authorized to make and execute laws for the well-ordering of the army . . . 72

WARD, REV. NATHANIEL
deputed, 1637, to revise drafts of laws presented from the towns . . . 6, 7
1645, from Essex county, on commission to draft body of laws . . . 73
1646, on sub-committee, to examine draft of body of laws . . . 71, 80

WARD, REV. NATHANIEL, continued.
model of form of government framed by . . . 7, 120
adopted in 1641 . . . 8
known as "Body of Liberties" . . . 8
memoir of . . . 18
strange words used by (*note*) . . . 19

WARD, WILLIAM
appointed, 1644, to examine Bellingham's revision of laws . . . 72, 73

WAITE, CAPT. JOHN
of Charlestown, allowance to, for copying book of laws, 1647 . . . 77
appointed, 1680, to revise laws . . . 125

WATERTOWN			
sends deputies to general court, 1634,	4	WINTHROP, JOHN, <i>continued.</i>	
WHIPPING		appointed, 1647, on committee to	
inflicted by order of court of assist-		prepare laws for the	76
ants	3	press	
WILLOUGHBY, FRANCIS		1642-43, to revise orders	
appointed on committee, 1650, to re-		of court and Body of	
vise maritime laws	115	Liberties	71
WINTHROP, JOHN		WORD OF GOD	
deputed, 1635, to make a draft of laws,	4	causes to be determined by, in ab-	
1636, deputy governor	5	sence of statute law	5
1637, 1639, governor	6, 7	committee appointed to revise laws	
share of, in preparation of Body		in accordance with	125
of Liberties	18	magistrates to proceed according to,	
appointed, 1646, on committee to		in absence of express law	72
perfect draft of body of		ordinances of war to be established	
laws	75	agreeable to	72



SPECIAL INTRODUCTION

—

LAWS OF 1672.

INTRODUCTION.

THE City Council of Boston in 1887 directed the Record Commissioners to prepare and publish an edition of the Colonial Laws in force prior to the Second Charter, and the following volume was the result.

The various issues of Laws under the First or Colonial Charter were as follows: In 1641 the Body of Liberties was prepared by Rev. Nathaniel Ward, of Ipswich, and, after revision, was adopted for three years by order of the General Court. It was probably never printed, but in 1843 the late Francis C. Gray announced that a manuscript copy had been discovered by him in a volume preserved in the Boston Athenæum. A careful transcript was published by him in the Collections of the Massachusetts Historical Society, 3d Series, Vol. VIII.

In 1649 the first edition of the Laws of the Colony was printed; but that issue seems to be utterly lost and unattainable.

Supplements were printed from time to time, and in 1660 a second Revision was put to press. Copies of this second edition are extant in various libraries. The third Revision was published in 1672, and is hereinafter reproduced. Supplements were afterwards issued, consisting sometimes of a single act, until the overthrow of the Colonial government and the termination of the First Charter, May 20, 1686. Under Andros the form of the laws was entirely altered; but with the Second Charter, establishing the Province of Massachusetts Bay, the old forms of legislation were revived. As is well known, the Acts and Resolves of the Province are in course of republication, under the able supervision of Abner C. Goodell, the first volume bearing date in 1869. The earliest act in that series is dated Nov. 10, 1692.

The edition of 1672 was selected as the basis for this reproduction because it afforded a certainty as to the legislation on and after that date. Every revision is apt to contain not only the substance of previous statutes, but such changes as seem to the editors to be imperatively demanded. The edition of 1660, if reprinted with all its Supplements, would not have rendered unnecessary the reprinting of the edition of 1672. Since this first reprint, the City Council has directed the issue of a reprint of the Laws of 1660. The Bibliographical Preface in its present form will hereafter be printed with all issues of either the edition of 1660 or of that of 1672.

The present volume is reproduced from an original, by the photo-electrotype process. After a careful consideration of the subject, it appeared that the slightly increased cost of the plates over ordinary type-work was counterbalanced by the saving in proof-reading, corrections, and special types. By this process the reader has before him what is, in theory, an exact reproduction of the original printed pages, printed in regular form with printers' ink. Every peculiarity of the original is reproduced, even to the errors of the text, the imperfections of the type, and the quaint ornaments of the titles. No proof-reader can pretend to greater accuracy than the camera; and, where an error in sense is obvious, the student feels sure that the mistake was in the original.

But, as most human inventions fall short of perfection, it must be added that photography is not quite infallible. The imperfections of the original are exaggerated, the shadows caused by the deep impressions of the types cause a raggedness in the copy, and occasionally a blurred letter barely discernible in the old text becomes nothing but a blot in the new. Then the plate requires the touch of the graver's tool to correct the outline, or a letter has to be cut out and replaced by a type. Herein, alone, there is a possibility of error, and that possibility is, doubtless, less than that of an oversight on the part of a proof-reader in case the entire volume has been set up with modern type. Every possible care has been taken by repeated collations of each page of the new with its original, and it is confidently hoped that the errors, at most, are of single letters, not affecting the sense, and easily corrected by the context.

By the kindness of the Trustees of the Boston Athenæum, I have had the assistance of a fine copy of the edition of 1672, with the Supplements, now preserved in that library. It is a volume unequalled by any other extant, and is as near a perfect collection as can be imagined. It was the property of Elisha Hutchinson, who died in 1717, and who was the grandfather of Gov. Thomas Hutchinson. Mr. F. C. Gray has pointed out that this volume contains the only known copy of the Body of Liberties of 1641; it also contains the Laws of 1672, and every printed Supplement which has yet been found anywhere. I have subjoined a particular account of these Supplements, and will only say that ample space is left in my edition for the insertion of any new discoveries or recoveries.

The great difficulty, in deciding upon the completeness of the transcript here given, is, that Secretary Rawson made serious errors in the pagination of his successive issues. To establish this point the reader is referred to the pages numbered (in large type) 211–216. He will see that even at that early stage of the pagination there are two sets of pages numbered 11, 12, and 13, in the original. Evidently Rawson discovered his mistake, and corrected it, making his issue of October 7, 1674, begin with the proper page, 17. But he did not get his signatures (at the foot of the page) correct again, until he reached page 25 (my page 225), with signature G, as he put signature D on page 19.

In due order pages 17 and 18 should have been signature D; pages 19, 20, and 21, signature E; page 223, signature F; and page 25 (225), signature G, as it stands.

Since my former issues of this book, a title-page to the Laws of October and November, 1675, was found in the Library of Congress. This of course filled p. 223, and I have now put it in place, transferring the Council Order of August 30, 1675, to my Appendix, p. 336. Still, I am not quite positive that no broadside of Laws was issued, because there was a brief session of the General Court on July 9, 1675, and some matters were really laws. But Hutchinson notes in writing on his copy, page 21, as follows:—

“July 9, 1675. That part of y^e Law, page 78, Impowering

the Treasurer to license persons to sell Armes, etc., to the Indians is hereby Repealed. Castle Sould^{rs} not Exempt from Watches in any Extraordinary Cases." It is an almost unavoidable inference that, had these clauses been printed, Hutchinson would not have written them down.

From page 25 to page 43, inclusive, everything in regular order. Page 44 is doubtless the blank *verso* of page 43, and is so marked by Hutchinson, who, however, inserts at that point a Council Order, dated April 4, 1676, printed by me in the Appendix, page 337. So far as I can see there is no exception to the rule of counting only the laws passed by the General Court, and also of allowing in the pagination for blank *versos*.

Pages 45-48 inclusive are correct, and then Rawson begins the Laws of May 23, 1677, with page 49, in due regular course. But Hutchinson puts into his copy at this point the Court Order of May 3, 1676, printed by me as page 248*a*; and also a Court Order of May 3, 1676, printed by me in the Appendix, page 337; three pages of Laws about Tythingmen (Appendix, pages 339-341); a Council Order of March 29, 1677 (see my Appendix, page 345); and a Council Order of April 9, 1677 (see my Appendix, page 347).

It will be noted that I have inserted in the text at this point extra page 248*a*, with its blank *verso*. This I do because it seems to be an official publication, with the Colony seal to it, though I fail to find any such law recorded in the official record, and although Hutchinson had written, at the foot of his page 48, "There was no more laws made in this year 1676." Rawson makes page 49, in regular course, signature M, and evidently did not recognize this extra sheet. I therefore insert it, but do not include it in my new pagination.

From this point, through page 72, the paging is regular, but on page 63 the signature is G3, an error for O3, and page 77 is not numbered. But from page 73 to page 87 there is a manifest blunder again, or there are pages missing in Hutchinson's copy.

Page 73 is doubtless the blank page of a four-page issue, of which pages 74 and 75 are printed. It is so numbered in Hutchinson. Then there is a similar four-page sheet, with printing on the two inside pages only (my pages 277-280), dated May 19, 1680, and not numbered. Then comes signature S, pages 77-79, dated Oct. 13, 1680; next a single page (Laws of March 4, 1680, my page 285); and we then come to pages 87-92, signature W.

It will be seen that the simple plan of counting the blank versos and titles to four page-sheets will bring page 87 into its right place as my page 287. It is also seen that signature T is missing, but undoubtedly belongs to my page 285. But I am not sure that there was not another broadside of one page printed, because at this point Hutchinson inserts in manuscript certain Laws passed at the General Court, 16 March, 1680-1. These I have printed in my Appendix, page 351.

Pages 87-92 are all in order, as signature W. Pages 93-96 make signature X. But here Hutchinson inserts the Law of May 24, 1682, concerning foreign coin, which I have numbered 292*a*, so as to retain the old paging. This *may* be the missing signature W, though it is not allowed for in the original paging.

After page 96 Hutchinson inserts two pages of Laws of Oct. 11, 1682, which I print as pages 296*a* and 296*b*. These are genuine, and there seems to be no reason for this omission in Rawson's calculations.

But Rawson begins his Laws for February and March, 1682-3, with signature Y, pages 97-99; then prints the Laws of October 10, 1683, as pages 98-99; signature Y also (thus duplicating pages 98-99), as the inside pages of a four-page issue; and again prints pages 100-101, signature Z, as the inside pages of a sheet, being the Laws of May 7, 1684.

Then Rawson makes page 103 his signature Aa.

Now, it is evident that from page 97 onward the reckoning was lost. Signatures Aa, Bb, and Cc, cover pages 103-111, but signature Dd is pages 121-123, and signature Ee is pages 125-126. It is impossible to resist the surmise that 121 was a mistake for 112. Hutchinson has preserved several of the sheets, but not

enough to account for the gap from page 111 to 121, and yet he may have collected all that there were.

In this state of affairs I have printed all the sheets in Hutchinson, allowing blank pages for versos, etc., and have kept my new continuous pagination at the top, for convenience in reference.

In detail, I note that page 106 is evidently a blank *verso*; but signature Bb ends with a blank page, *verso* to 109, and signature Cc (page 110-111) is a four-page sheet, with only the inside pages in print: yet the paging makes no account of the blanks.

After page 111 Hutchinson inserts a Law of January 23, 1684-5 (my page 327), and a manuscript copy of the Law of March 18, 1684-5 (printed in my Appendix, page 353). He states that this Law was engrossed and published by the order of the Court, and left on file; hence a printed copy may yet be found. If that Law covered the inside pages of a four-page sheet, and all the blank versos were counted after page 109, we might make out to begin signature Dd with page 121, as Rawson did. It is to be noted, also, that there was a short session of the General Court on May 6, 1685, and a Law was passed amendatory of the Law of March 18 previous. This may have also been printed, and have helped to fill out the apparent gap in the pagination.

Hutchinson also inserts a Council Order of April 2, 1685, concerning Goffe, the Pirate (see my Appendix, page 355).

It is to be noted that in this last sheet the Laws relating to Imposts and to Wills were passed May 27, 1685, and that inserted between them are the Laws relating to Fences, to Treasurers, and to Attachments, passed Oct. 14, 1685. There were other meetings of the General Court between these dates.

The old Index of 1672 was reprinted as an integral part of the book, but a new Index, comprising the whole volume, has been prepared by Mr. Frederick E. Goodrich of this city.

The errata noted in the former editions of this reprint have been corrected.

Note, that in the original the impression of the Colony Seal faces the title-page, but in this issue it is put on the verso of the title.

Lastly, I would give the unnecessary caution that all the surmises and explanations made in this preface do not affect the integrity of the text. I have reprinted every known supplement, and have left enough blank pages for corrections. Whether or not a few more pages will ever be found, I believe the reader has an exact transcript of a unique text, the very best one obtainable.

I would earnestly request any one who may note any errors in this edition, or any additions to the text, to communicate with me, as the plates are preserved for future issues.

WILLIAM H. WHITMORE,

Record Commissioner.

CITY HALL, BOSTON, November, 1890.

THE GENERAL
L A W S
And
L I B E R T I E S
of the
M A S S A C H U S E T S
C O L O N Y:

Revised & Re-printed.

By Order of the General Court Holden at Boston,
May 15th. 1672.

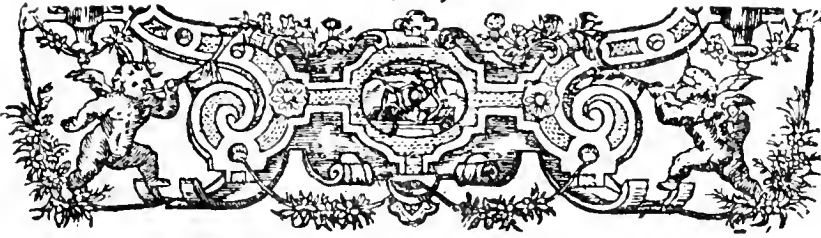
Edward Rawson Secr.

Whosoever therefore resisteth the Power, resisteth the Ordinance of God and they that resist receive to themselves Damnation. Rom. 13. 2.

C A M B R I D G E

Printed by Samuel Green, for John Usher of Boston.





THE GENERALL LAWS

OF THE *MASSACHUSETTS*
COLONY.

REVISED AND PUBLISHED, BY
ORDER OF THE

GENERAL COURT

in October 1658.

FOrasmuch as the free fruition of such Liberties, Immunities, Privileges, as Humanity, Civility and Christianity call for, as due to every Man in his Place and Proportion, without Impeachment and Infringement, hath ever been, and ever will be, the Tranquility and Stability of Churches and Common-wealth, and the denyall or deprivation thereof, the disturbance, if not ruine of both.

The Civil privileges of the Inhabitants of this Colony.

It is therefore Ordered by this Court and the Authority thereof, That no mans life shall be taken away, no mans Honour or good Name shall be stained, no mans person shall be arrested, restrained, banished, dismembred, nor any wayes punished; no man shall be deprived of his wife or children, no mans goods or estate shall be taken away from him, nor any wayes indamaged, under colour of Law, or countenance of Authority, unless it be by virtue or equity of some expresse Law of the Country warranting the same, established by a General Court, and sufficiently published; or in case of the defect of a Law, in any particular case, by the word of God. And in Capital Cases, or in Cases concerning dismembred, or banishment, according to that word, to be judged by the Generall Court. [1641.]

Ability. Age.

[It is Ordered by this Court and the Authority thereof; That the age for passing away Lands, or such kinde of Hereditaments, or for giving of Votes, Verdicts or Sentences in any civil Courts or causes, shall be one and twenty years, but in chusing Guardians, fourteen years. And all persons of the age of one and twenty years, as aforesaid, and of understanding and memory, whether excommunicate, condemned, or other, shall have full power and liberty, to make their Wills and Testaments, and other lawfull Alienations of their Lands and Estates. [1641. 47.]

Age of discretion.

Liberty to dispose Estate

Age for Plaintiffs and Defendants.

Age for Plaintiff
and Defendant.

IT is Ordered by this Court and the Authority hereof, that the age for Plaintiffs and Defendants in civil Cafes, before any Magistrate, Commissioner or Court of Judicature, shall be twenty one years of age, and for all persons under that age, their Parents, Masters, and Guardians as they shall see meet shall plead and defend their right and interest, as the matter may require; and in all Criminal cases, every person younger as well as elder, shall be liable to answer in their own persons, for such misdemeanours as they shall be accused of, and may also inform and present any misdemeanour to any Magistrate, Grand-jury man, or Court, any Law, Custome or Usage to the contrary notwithstanding. [1668.]

Actions.

actions when
tryable.

IT is Ordered by this Court and the Authority thereof; That all Actions of Debt, Accounts, Slander, and Actions of the Case concerning Debts and Accounts, shall henceforth be tryed, where the Plaintiffe pleaseth, so it be in the Jurisdiction of that Court, where the Plaintiffe or defendant dwelleth, unless by consent, under both their hands it doth appear, they would have the case tryed in any other Court. All other Actions shall be tryed, within that Jurisdiction where the cause of the Action doth arise.

2. Whereas sundry Inconveniences do arise, by reason that Plaintiff's in Civil Cafes do delay to Enter their Actions, to the great expence of much precious time, and damage to the Publick:

Rule for entry
of Actions.

This Court doth therefore Order, That henceforth no Action shall be Entred after the first day of the Court is ended. And in case any Plaintiff shall delay his Entry longer then the first Forenoon of the Courts sitting, every such person or persons shall pay double Entry-money. And all persons, whether Parties or Witneses, are enjoyned to attend their respective Concerns in every Court of Justice, as well the first Forenoon of the Court, as afterwards; and shall present the whole Plea and Evidence before the Case be committed to the Jury, and no after-Plea or evidence shall be admitted to any person, Any Law, Usage or Custome to the contrary notwithstanding. And for that end, all Marshalls and Constables are enjoyned to make their Returns of Attachments by them served, sometime the first Forenoon of the Court that is to take cognizance of the Case concerned therein. Provided, That the double Entry-money be paid by him that so neglects his Entry, and not put the Defendant to unnecessary charge through his default. [1665.]

Actions of tres-
pafs under forty
shillings.

3. In all Actions of Trespafs, where Damage shall be pretended, above Forty shillings, and yet on the hearing thereof, it shall appear to the Court to come under that value, in all such Cafes, the Plaintiffe shall lose his Action, and pay the Defendant cost.

Fees for Entry
of Actions.

4. Every Person impleading another, in any Court of Assistants or County Court, shall pay the sum of ten shillings, before his Case be Entred; and for every Action of above forty shillings value, tryable before the Commissioners of Boston, ten shillings; and for all Actions under forty shillings, tryable before the said Commissioners. one Magistrate, or the three Commissioners, for ending small Causes, ten Groats, unless the Court see cause to adnut any to Sue *in forma pauperis*. [1642. 52.]

A. 52. p.7.

5. And

5. And where the Debt or Damage recovered, shall amount to *Ten pounds*, in every such case to pay *five shillings* more; and where it shall amount to *Twenty pounds* or upward, there to pay *ten shillings* more then the first *ten shillings*; which said additions, together with the charge of the Entry of the *ACtion*, shall be put to the judgement and execution, to be leaved by the *Marshall*, and accounted to the respective *Treasurers* to whom it appertaineth. [1047.]

Addition of fees of *Actions*.

6. *Whereas the Country is put to great Charge, by this Courts attending Suits Commenced or Renewed by Petition or Review.*

It is Ordered that in all such cases; if it appear to the Court, that the *Plaintiffe* had no just cause of any such proceeding, the said *Plaintiffe* shall bear the whole charges of the Court, both for time and expences, which they shall judge to be expended by his occasion; and may further impose a fine upon him, as the merit of the cause shall require; but if they finde the defendant in fault, they shall impose the just charges upon such defendant.

Actions brought to the *General Court* to bear the charge of the Court.

7. And in all *Actions* brought to any Court, the *Plaintiffe* shall have liberty to withdraw his *Action* or to be non-suited, before the *Jury* have given in their verdict; in which case, he shall alwayes pay full costs and charges to the defendant, and may afterward renew his *Suit* at another Court. [1641.]

Plaintiff liberty to withdraw his *Action*.

8. And it is Ordered, that no man in any *Suit* or *Action* against another, shall falsely pretend great *Damages* or *Debts*, to vex his *Adversary*; and in all cases where it appears to the Court, that the *Plaintiffe* hath willingly and wittingly done wrong to the *Defendants* in commencing and prosecuting any *Action*, *Suit*, *Complaint* or *Inditement*, in his own name, or in the name of others, he shall pay treble damages to the party grieved, and be fined *Forty shillings* to the common *Treasury*. [1641. 46.]

L i. p. 16. 49

Vexatious Suits to pay treble damage and be fined 40. *Shill.*

APPEAL.

It is Ordered by this Court and the Authority thereof: That it shall be in the liberty of every man cast, condemned or Sentenced in any Inferiour Court, to make his *Appeal* to the Court of *Assistants*: as also to appeal from the sentence of one *Magistrate*, or other persons deputed to hear and determine small causes, unto the *shifte Court* of each *Jurisdiction*, where the cause was determined. Provided they tender their *Appeal*, and put in security before the *Judges* of the Court, to prosecute it to effect, and also to satisfie all damages, before execution granted; which shall not be till twelve hours after *Judgement*, except by special order of the Court. And if the cause be of a criminal nature; then also to put in security for the good behaviour and appearance at the same time: and if the point of appeal, be in matter of *Law*, then to be determined by the *Bench*, if in matter of fact by the *Bench* and *Jury*. And if in the Court of *Assistants*, two of five, three of seven; or such a proportion of the *Magistrates* then present, shall actually dissent from the sentence of the Court in any *Capitall offence*, it shall then be in the liberty of the party sentenced, to appeal to the next *General Court*.

Liberty to appeal

before Execution.

In criminal cases to be bound to the good behaviour.

Appeals to the *General Court*

2. It is further Ordered; That all Appeals with the security as aforesaid, shall be recorded at the charge of the party Appealing, and certified unto the Court, to which they are made. And the party Appealing, shall briefly in writing (without reflecting on Court or Parties, by provoking Language) under his own or his Attornies hand, give in to the Clerk of the Court from which he did Appeal, the Grounds and Reasons of his Appeal, six dayes before the beginning of the Court, to which he did Appeal; to which Court the said Clerk shall return the said writing, and give copies thereof to the Defendant if he desire the same. And whosoever shall Appeal from the Sentence of any Court, and not prosecute the same to effect, according to Law, shall besides his Bond to the party, forfeit to the Country, the sum of *Forty shillings* for every such neglect.

L. 2. p. 1.

Appellant to give his reasons six dayes before.

A. 51. p. 1.

Not prosecuting an Appeal, forfeit forty shill

A. 43. P. 19.

No Judge Appealed from, may judge the action of Appeal.

A. 54. P. 2.

Error may be rectified, with reversing the former judgement.

3. *And for a more clear and equal hearing and determining all Cases of Appeal;* It is Ordered, That no person that hath sate as Judge, or voted in any inferiour Court, in that case he is Appealed from, shall have any vote in the Superiour Court Appealed to, but the case shall be determined by such as are no wayes engaged in the same, by Judging or Voting formerly: Provided there be more Magistrates Appealed to, then those that sate in the Court Appealed from. And in all cases of Appeal, the Court Appealed to shall Judge the case, according to former Evidence, and no other, rectifying what is amiss therein; and where the matter of fact is found to agree with the former Court, and the Judgement according to Law, not to revoke the Sentence or Judgement, but to abate or increase damages, as shall be judged right; any use or custome to the contrary notwithstanding. [1642.47.49.50.53.54.]

Appeal from the Associate Court in Dover and Portsmouth tryable.

ON a motion of the Deputies of Dover and Portsmouth, in behalf of most of the Freemen there, That whereas they have power in their Associate Courts to try any Case under Twenty pounds, and finding no Law where they may Appeal, but to the Court of Assistants, the Actions being many times very small, and is great charge to come to Boston for every small Case; it is their desire, that the Court would grant them an Order, that any person cost or condemned, may Appeal to the County Court held in Dover or Portsmouth, and that some persons may have Magistratical Power in that County as formerly:

The Court judgeth it meet to grant their request; And it is Ordered that henceforth it shall be in the liberty of Plaintiffe and Defendant, in all Cases tryable, before the Court of Associates in *Portsmouth* and *Dover*. to Appeal to their next County Court in *Dover* or *Portsmouth*, as in other cases, any custome or usage to the contrary notwithstanding. [1670.]

Appearance. Non-appearance.

Immunity from punishment in case of inevitable obstruction.

IT is Ordered by this Court and the Authority thereof; That no man shall be punished for not appearing at or before any Civil Assembly, Court, Council, Magistrate or Officer, nor for the omission of any Office or Service; if he shall be necessarily hindered, by any apparent Act or Providence of God, which he could neither foresee nor avoid: Provided that this Law shall not prejudice any person of his just cost and damage in civil action. [1641.]

Apparel.

A P P A R E L.

Although several Declarations and Orders have been made by this Court, against excess in Apparel, both of Men and Women, which have not taken that effect as were to be desired, but on the contrary; we cannot but to our grief take notice, that intollerable excess and bravery hath crept in upon us, and especially amongst people of mean condition, to the dishonour of God, the scandall of our profession, the consumption of Estates, and altogether unsuitable to our poverty: and although we acknowledge it to be a matter of much difficulty, in regard of the blindness of mens minds, and the stubbornness of their wills, to set down exact Rules to confine all sorts of persons; yet we cannot but account it our duty, to commend unto all sorts of persons, the sober and moderate use of those blessings, which beyond expectation, the Lord hath been pleased to afford unto us in this wilderness; and also to declare our utter detestation and dislike, that men or women of mean condition, should take upon them the garb of Gentlemen, by wearing Gold or Silver lace; or Buttons, or Points at their knees, or to walk in great Boots; or Women of the same rank to wear Silk or Tiffiny hoods, or Scarfes, which though allowable to persons of greater Estates, or more liberal education, yet we cannot but judge it intollerable in persons of such like condition:

A. 51. p 5.

Excess in Apparel prohibited.

It is therefore Ordered by this Court and the Authority thereof; that no person within this Jurisdiction, nor any of their relations depending upon them, whose visible estates real and personal, shall not exceed the true and indifferent value of two hundred pounds, shall wear any Gold or Silver lace, or Gold and Silver Buttons, or any bone lace above two shillings per yard, or silk hoods, or scarfs, upon the penalty of ten shillings for every such offence, and every such delinquent to be presented by the Grand-jury; And forasmuch as distinct and particular rules in this case suitable to the estate or quality of each person cannot easily be given: It is further Ordered by the Authority aforesaid, that the Select Men of every Town, or the Major part of them, are hereby enabled and required from time to time, to have regard, and take notice of Apparel of any of the Inhabitants of their severall Towns respectively, and whosoever they shall judge to exceed their ranks and abilities, in the costliness or fashion of their Apparel in any respect, especially in the wearing of Ribbons or great Boots, (Leather being so scarce a commodity in this Country) Lace, Points, &c. Silk Hoods, or Scarfes, the Select men aforesaid shall have power to assess such persons so offending in any of the particulars above mentioned in the Country Rates, at two hundred pounds estates, according to that proportion that such men use to pay to whom such Apparel is suitable and allowed, Provided this Law shall not extend to the restraint of any Magistrate or publick Officer of this Jurisdiction, their Wives and Children, who are left to their discretion in wearing of Apparel, or any settled Military Officer, or Souldier in the time of Military service, or any other whose education and imployment have been above the ordinary degree, or whose estate have been considerable, though now decayed. [1651.]

As an Addition to the Laws about Apparel.

VVHereas excess in Apparel amongst us, unbecoming a Wildernes-condition, and the profession of the Gospel, whereby the Rising Generation are

in danger to be Corrupted and Effeminated; which practises are witnessed against by the Laws of God, and sundry Civil and Christian Nations:

Addition to the Law for Apparel

It is therefore Ordered and Enacted by this Court, and the Authority thereof, That all persons within this Jurisdiction, whether the Children, or Servants that are under government in Families, that shall wear any Apparel exceeding the quality and condition of their Persons or Estate, or that is apparently contrary to the ends of Apparel; and either of these to be so judged by the Grand-jury and County Court of that Shire where such complaint or presentment is made: All such persons being Convicted, shall for the first offence be Admonished; for the second offence pay a fine of twenty shillings; for the third offence, forty shillings, and so following, as the offences are multiplied, to pay forty shillings a time to the Treasury of that County. Also if any Taylor shall make or fashion any Garment for such Children or Servants under government as aforesaid, contrary to the mind and order of their Parents or Governours; every such Taylor shall for the first offence be Admonished; and for the second offence, forfeit double the value of such Apparel or Garment as he shall fashion or make, contrary to the minde and order of their Parents or Governours; half to the Owner, and half to the Country. And all Grand-jury men are hereby enjoyned to Present all those whom they do judge breakers of this Order. [1662]

ARRESTS.

None to be kept in prison for debt that have not to satisfy.

IT is Ordered by this Court and the Authority thereof; That no mans person shall be Arrested or Imprisoned for any Debt or Fine, if the Law can finde any competent means of satisfaction, otherwayes from his estate, (except in special Contracts, as in the Law of Payments) And if not, his person may be Arrested and Imprisoned, where he shall be kept at his own charge, not the Plaintiffs, till satisfaction be made, unless the Court that had cognizance of the cause, or some superiour Court shall otherwise determine; provided nevertheless, that no mans person shall be kept in prison for debt, but when there is an appearance of some estate which he will not produce, to which end, any Court or Commissioners Authorized by the General Court may Administer an Oath to the party, or any other suspected to be privy in concealing his estate, but shall satisfy by service if the Creditor require it; but shall not be sold to any but of the English Nation. [1641. 47.]

The Keepers discharge of Prisoners in Case.

It is Ordered, That when any persons are Committed to Prison in any Civil Action, the Keepers of the Prison shall not stand charged with their supply of Victuals, or other Necessaries. And in case the Prisoner hath no Estate, and will be deposed before any Magistrate, that he is not worth five pounds, the Plaintiff shall provide for his relief, or otherwise the Keeper shall not stand charged with him: and all such charges the Plaintiff shall have power to levy with the Execution, before the party be delivered from Prison.

Complaint being made to this Court, of abuse offered to Justice, through liberty granted, by the Keepers of the Prisons, to such persons as stand Committed for payment of fines, and on Execution granted in Civil Cases:

This Court do Order; That no person or persons Committed as aforesaid, shall be permitted by the Keeper of the Prison, to go at liberty without the precincts of the Prison, but by the License of the Court that Committed him, or of the Creditor for whom Execution is granted; on penalty of paying the fine imposed, and satisfaction of the Execution in any Civil Case. [1662]

Keepers of prisons
to be in danger

IT is Ordered, that the Keeper of the Prison for the time being, shall henceforth have the same liberty that the Marshall hath in all Civil Cases; to take sufficient Bayle after Commitment as the Marshall might before Commitment. [1662.]

Keepers liberty
to take Bail.

Attachments. Summons.

IT is Ordered by this Court and Authority thereof; That it shall be the liberty of every Plaintiff, to take out either Summons or Attachments against any Defendant; Provided no Attachment shall be granted in any Civil Action, to any Forreigner, against a settled Inhabitant in this Jurisdiction, before he hath given sufficient security or caution, to prosecute his Action, and to answer the Defendant such costs, as the Court shall award him.

L. 2. p. 12.

Plaintiffs liberty
to take Summons
or Attachments.

Foreign Plaintiffs
to put in
security.

1. And it is further Ordered that in all Attachments of Goods and Chattels, or of Lands and Hereditaments, legal notice shall be given to the party, or left in writing at his house or place of usual abode, otherwise the suit shall not proceed; notwithstanding, if he be out of this Jurisdiction, the cause shall then proceed to tryal, but Judgement shall not be entred before the next Court, and if the Defendant do not then appear, Judgement shall be entred, but Execution shall not be granted before the Plaintiff hath given security to be responsal to the Defendant, if he shall reverse the Judgement within one year, or such further time as the Court shall limit.

Execution re-
sisted.

2. And it is hereby Declared, that no Summons, Pleading, Judgement, or any kinde of proceeding in Courts or course of justice, shall be abated, arrested or reversed upon any kinde of circumstantial errors or mistakes; if the person and cause be rightly understood and intended by the Court. And in all Cases where the first Summons are not served six dayes inclusively before the Court, and the Case briefly specified in the Warrant, where appearance is to be made by the party Summoned, it shall be at his liberty whether he will appear or not, except all cases that are to be handled in Court suddenly, called on extraordinary occasion.

L. 2. p. 49.

Circumstantial
errors.

Summons to be
served six dayes
before the Court

3. And whereas Suits at Law, many times such as do prosecute the same in their own name, in procuring the process; intend and do declare in the name, and on the behalf of others, viz. as Executors, Administrators,

A. S. P. 1.
In whose name
to take out pro-
cess.

Assignes, Attornies, Guardians, Agents or the like, which is not only im-proper, but tendeth also to uncertainty; for prevention whereof:

It is Ordered, That henceforth the Original procefs, whether Summons or Attachments shall exprefs in whose name the Plaintiff sueth, whether in his own name, or as Executor of the last Will and Testament of such a man, or Administrator of the Goods and Chattels of such a man, or Assigne, Attorney, Guardian or Agent of such a man, or the like, or otherwayes, if exception be taken before the parties joyn issue, it shall be good, and the Plaintiff shall be liable to pay cost. [1641. 47. 51.]

Marshalls may serve Attachments.

WHereas it hath been commonly practised, that Attachments have been directed to the Marshall to be served in any Town under the Jurisdiction of that Court whereof the Marshall is Officer, notwithstanding the Law doth Order, that all Attachments shall be directed to the Constable in such Towns where no Marshall dwells:

Marshalls may serve Attachments.

It is hereby Ordered and Declared, That the said Custome shall be accounted legal, and shall not abate the Proceeding or Tryal of any Cause. Provided no more Cofts be charged on the Defendant, then by Law are due to Constables for serving Attachments. [1662]

B A K E R S.

It is Ordered by this Court and Authority thereof; That henceforth Every Baker shall have a distinct mark for his Bread, and keep the true Assizes, as hereafter is expressed, viz. when Wheat is ordinarily sold for money at these severall Rates hereafter mentioned, the penny white loaf by averdupois weight, when Wheat is by the bushel——

	at 3 s. 6	the white	11 ounces	1 qr. wheat	17 ounces	1 qr. household	23 ounce. 0.
	at 3	6	10	1	15	1	20 2.
Weight of Bread	at 4	0	09	1	14	0	18 2.
	at 4	6	08	1	11	3	16 2.
	at 5	0	07	3	11	2	15 2.
	at 5	6	07	0	10	2	14 0.
	at 6	0	06	2	10	0	13 0.
	at 6	6	06	0	09	2	12 2.

And so proportionably, under the penalty of forfeiting all such Bread as shall not be of the severall Assizes aforementioned, to the use of the poor of the Town where the offence is committed, and otherwise as is hereafter expressed, and for the better execution of this present Order; there shall be in every Market Town, and all other Towns needfull one or two able persons annually chosen by each Town, who shall be sworn at the next County Court, or by the next Magistrate, unto the faithful discharge of his or their Office: who are hereby Authorized to enter into all houses, either with a Constable or without, where they shall suspect or be informed of any Bread baked for sale, and also to weigh the said Bread as oft as they see cause, and seize all such as they finde defective. As also to weigh all

Clerk of the Market

Their power.

all Butter made up for sale, and brought unto, or being in the Town or Market to be sold by weight, which if found light after notice once given, shall be forfeited in like manner. The like penalty shall be for not marking all Bread made for sale: And the said Officer shall have one third part of all forfeitures for his pains, the rest to the poor as aforesaid. [1646.] A. 52. p 8.

2. Whereas it appears to this Court, that there is much deceit used by some Bakers and others, who when the Clerk of the Market cometh to weigh their Bread, pretend they have none, but for their own use; and yet afterward put their Bread to sale, which upon tryal hath been found too light; for prevention of such abuses for time to come:

It is Ordered, that all persons within this Jurisdiction, who shall usually sell Bread within doors or without, shall at all times hereafter, have all their Bread that they either put to sale or spend in their families, made of the due Assizes, marked and yielded to tryal of the said Clerk as is directed in the Order aforesaid, under the penalty therein exprest. [1652.]

To prevent deceit in Bakers.

B A L L A S T.

IT is Ordered by this Court and the Authority thereof; That no Ballast shall be taken from any Town shore, by any person whatsoever, without allowance under the hands of the Select men, upon the penalty of six pence, for every shovel full so taken, unless such stones as they had laid there before: It is also Ordered, That no Ship nor other Vessel, shall cast out any Ballast in the Channel or other place inconvenient in any Harbour within this Jurisdiction, upon the penalty of ten pounds. [1646.]

Ballast not to be taken without leave.

nor cast into the Channel

B A R R A T R Y.

IT is Ordered and Decreed, and by this Court Declared; That if any man be proved and judged a common Barrater, vexing others with unjust, frequent and endless suits, it shall be in the power of the Court, both to reject his Cause, and to punish him for his Barratry. [1641.]

Barratry.

B E N E V O L E N C E.

IT is Ordered, That this Court hereafter will grant no Benevolence, except in foreign occasions, and when there is Money in the Treasury sufficient, and our debts first satisfied. [1641.]

It is Ordered by this Court and the Authority thereof; that all Gifts and Legacies given and bequeathed to the Colledge, Schools of Learning or any other Publick use; shall be truly and faithfully disposed of according to the true and declared intent of the Donors. And all and every Person or Persons entrusted to receive or improve any such Gifts or Legacies, shall be liable from time to time to give account of their disposal and management thereof to the County Court of that Shire where they dwell, and where such Estate shall lye, who are hereby impowred to require the same where need shall be, and to appoint Feoffes of trust, to settle and manage the same according to the will of the Donor.

Gifts and Legacies to be faithfully disposed of

B I L L S.

Bills Assigned
good debt to the
Assignee.

IT is Ordered by the Authority of this Court; That any debt, or debts due upon bill or other specially assigned to another, shall be as good a debt and estate to the Assignee, as it was to the Assignor, at the time of its assignation; And that it shall be lawful for the said Assignee, to sue for, and recover the said debt due upon bill, and so assigned, as fully as the originall Creditor might have done; Provided the said Assignment be made upon the back-side of the bill or speciality. [1647.]

B O N D - S L A V E R Y.

No Bond-slavery

IT is Ordered by this Court and the Authority thereof; That there shall never be any Bondslavery, Villenage or Captivity amongst us, unless it be lawful Captives taken in just Wars, as willingly sell themselves or are sold to us, and such shall have the liberties and Christian usage which the Law of God established in *Israel* concerning such persons doth morally require; Provided this exempts none from servitude, who shall be judged thereto by Authority. [1641.]

Bounds of Towns and Persons.

FORASMUCH as the Bounds of Towns, and of the Lands of particular persons, are carefully to be maintained, and not without great danger to be removed by any, which notwithstanding by deficiency and decay of marks, may at unawares be done, whereby great jealousies of persons, trouble in Towns, and incumbrances in Courts do often arise, which by due care and means might be prevented:

Town Bounds
to be laid out
once in one year.

To be surveyed
within 3 years.

It is therefore Ordered by this Court and the Authority thereof, that every Town shall set out their Bounds, within twelve months after their Bounds are granted: and that when their Bounds are once set out, once in three years, three or more persons of a Town, appointed by the Select men, shall appoint with the adjacent Towns, to go the Bounds betwixt their said Townes and renew their marks; which marks shall be a great heap of stones, or a Trench of six foot long and two foot broad, the most ancient Town to give notice of the time and place of meeting for this perambulation; which time shall be in the first or second month, upon pain of five pounds for every Town that shall neglect the same; Provided that the three men appointed for perambulation shall go in their several quarters, by order of the Select men, and at the charge of the several Towns.

Particular persons
bounds to
be surveyed
once a year.

2. And it is further Ordered, that if any particular proprietor of Lands lying in common with others, shall refuse to go the Bounds betwixt his Land and other mens once a Year in the first or second month, being requested thereunto upon one weeks warning, he shall forfeit for every day so neglecting, ten shillings, half to the party moving thereto, the other half to the Town. [1651.]

B R E W E R S.

TO the end no other but good and wholesome Beer be Brewed at any time in this Jurisdiction, to be sold for the supply of Ship or other Vessels at Sea; and that no oppression or wrong be done to any in this Mystery:

It is Ordered by this Court and the Authority thereof: That no person whatsoever, shall henceforth undertake the calling or work of Brewing Beer for sale, but only such as are known to have sufficient skill and knowledge in the Art or Mytery of a Brewer. And it is further Ordered, that if any undertaker for victualling of Ships or other Vessels, or Master or owner of any such Vessel, or any other person, shall make it appear, that any Beer bought of any person within this Jurisdiction, doth prove unfit, unwholsome and useles for their supply. either through the insufficiency of the Mault, or Brewing, or unwholsome Cask, the person wronged thereby shall be, and is hereby enabled, to recover equal and sufficient damage, by Action against the person that put that Beer to Sale.

Brewers to make satisfaction for bad Beer

Breach of the Peace.

FOr the better preserving of Peace, and every mans Liberty and Safety in this Jurisdiction, and to the end that all Fighting and Quarrelling and Disturbance may be avoided:

Breach of Peace.

It is by this Court Ordered, and by the Authority thereof Enacted, that no person shall beat, hurt or strike any other person, upon penalty of paying to the party stricken, by fine to the County where the Offence is committed, or both, such sum or sums as the County Court, Magistrate, Commissioner or Associate, that take cognizance thereof shall determine: and because in this case several circumstances may alter the degree of the offence, as who do smite, who is smitten, with what Instrument, the danger of the wound, more or less, time, place and provocation, and other the like, it is left to the discretion of the Judges aforesaid, upon hearing and consideration, to impose such penalty or penalties, as in their discretion shall seem just, equal and proportionable to the merit of the offence.

Judgement for Title of House or Land.

IT is Declared and Ordered by this Court and the Authority thereof, That where a Judgement is given in any Court for any person of House or Land, upon the trial of the Title thereof; if the person against whom the Judgement is given, doth either forcibly keep possession thereof still after execution served, or enter upon it again, and so retain possession by force, he shall be counted a high offender against the Law, and breaker of the publick peace; therefore speedily to redress such a criminal offence, every Magistrate is impowred, and by his place hath power to give warrant and command to the Marshall, Officers and other men whom he thinks meet to be employed in the business (the Marshall also requiring aid, greater or lesser, as need requires) and suppress the force, and give possession to the owner, and to imprison such as do appear to be Delinquents, and their aiders and abettors, to be forth coming at the next Court that did give the Judgement in the case, there to make their Answer: and whom the Court doth finde guilty, to set such fine or other punishment upon them as the merit of their several cases doth require.

Judgement for Title of House or Land.

B R I D G E S.

THis Court considering that Bridges in Country High-ways are for the benefit of the Country in general, and that it may be unequal to lay the charge thereof on particular Towns:

Bridges to be made & repaired by the County.

Doth Order, that from time to time, upon information or complaint to each County Court, of the necessity or defect of any Bridge or Bridges as aforesaid; the Court shall appoint a Committee to view and determine the same, and the charges shall be proportioned by the Magistrates in each County Court, to be levied upon the several Towns in each County according to the direction of the Law for Country Rates.

L. 2. p. 3.

2. The Court considering the great danger that Persons, Horses, Teams, are exposed to, by reason of defective Bridges, and Country High-ways in this Jurisdiction:

Penalty for damage received by the insufficiency of Bridges.

Doth Order and Declare, That if any person at any time, lose his life, in passing any such Bridge or High-way, after due warning given unto any of the Select men of the Town in which such defect is, in writing under the hand of two witnesses, or upon presentment to the Shire Court, of such defective Ways or Bridges, that then the County or Town which ought to secure such Ways or Bridges, shall pay a fine of one hundred pounds to the Parents, Husband, Wife or Children, or next of Kin to the party deceased. And if any person lose a Limb, break a Bone, or receive any other bruise or breach in any part of his Body, through such defect as aforesaid; the County or Town, through whose neglect such hurt is done, shall pay to the party so hurt, double damages, the like satisfaction shall be made for any Team, Cart or Cartage, Horse, other Beast or Loading, proportionable to the damage sustained as aforesaid.

A. 58.

3. And for the prevention of danger, which may come by the insufficiency of Bridges and Passages which lye upon Town High-ways, the care whereof doth belong either to the Town or particular Persons to repair, who many times cannot procure Workmen to do the same:

Power to press workmen to repair Bridges.

It is therefore Ordered by this Court, That upon the complaint of any such Town or Person, to any one Magistrate, he shall hereby be empowered to issue out Warrants to the Constable, to impress such Workmen in their Town-ship, as shall be needful to secure and repair the same, who shall be paid for their work, either by the Town or Persons, to whom such Bridges or Passages do belong. [1648. 51. 59.]

Burglary and Theft.

Robbing in house, high-ways penalty.

FOrasmuch as many Persons of late years, have been and are apt to be injurious to the Goods and Lives of others, notwithstanding all care and means to prevent and punish the same:

It is therefore Ordered by this Court and the Authority thereof, That if any Person shall commit Burglary, by breaking up any dwelling house, or shall

rob any person in the field or high-ways, such person so offending, shall for the first offence, be branded on the forehead with the letter (B) and if he shall offend in the same kinde the second time, he shall be branded as before, and also be severely whipped; and if he shall fall into the like offence the third time, he shall be put to death, as being incorrigible.

And if any person shall commit such Burglary, or rob in the fields or houses on the Lords day, besides the former punishment of Branding, he shall for the first offence have one of his ears cut off; and for the second offence in the same kinde, he shall lose his other ear in the same manner; and for the third offence he shall be put to death. [1042. 47.]

On the Lords day.

2. For the prevention of Pilfering and Theft: It is Ordered by this Court and the Authority thereof; That if any person be taken or known to rob any Orchard or Garden; that shall hurt or steal away any Grafts or fruit Trees, Fruits, Linnen, Woollen or any other goods left out in Orchards, Gardens, Back-sides, or in any other place in house or fields, or shall steal any wood or other goods from the water side, from mens doors or yards; he shall forfeit treble damage to the owners thereof.

Rob Orchard or Garden or steal goods.

pay treble damage,

or be whipt.

And if they be children, or servants, that shall trespass herein, if their parents or masters will not pay the penalty before exprest, they shall be openly whipped.

And forasmuch as many times it so falls out that small thefts and other offences of a criminal nature are committed both by English and Indians in towns remote from any prison or other fit place to which such malefactors may be committed untill the next Court.

It is therefore ordered that any magistrate, upon Complaint made to him may hear, and upon due proof determine, any such small offences of the aforesaid nature according to the Laws here established, and give warrant to the Constable of that Town where the offender lives to levy the same; Provided the damage or fine exceed not forty shillings; Provided also it shall be lawfull for either party to Appeal to the next Court to be holden in that Jurisdiction, giving sufficient caution to prosecute the same to effect, at the said Court. And every Magistrate shall make a return yearly to the County Court where he liveth, of what cases he hath so ended. And also the Constables of all such fines as they have received.

One Magistrate may determine such cases.

Magistrate and Constables to return to the County Court.

And where the offender hath nothing to satisfie, such Magistrate may punish by stocks or whipping, as the cause shall deserve, not exceeding ten stripes; It is also Ordered, that all Servants and Workmen imbezling the goods of their Masters or such as set them on work, shall make restitution, and be lyable to all Laws and penalties as other men. [1646.]

Servants and Workmen.

3. It is further Ordered by this Court; That what person soever shall steal from any person, any Coyn, Goods or Chattels, to the value of ten shillings or upward, shall be whipt, or pay such a sum or sums of money as the Court or Magistrate, that hath proper cognizance thereof shall adjudge to be sufficient to satisfie all costs and charges of the Court and Country in prosecuting and trying the said offender, to the use of the common Treasury; and for smaller thefts, it is left to the discretion of the Judge or Judges that shall have cognizance of the crime, to appoint smaller mulcts or punishments, or only legal Admonitions as they shall finde cause.

A. 52. p. 10.

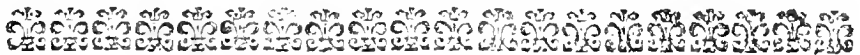
Stealing above ten shillings.

Constable to make search for goods stolen.

And further it is declared and Ordered, That when any Goods are stolen from any person, the Constable of the Town, by warrant from Authority, shall search for the same, in any suspected places or houses, and upon

Concealing of
theft and recei-
ving satisfaction
Privately
penalty.

search or otherwise, if he shall finde the same or any part thereof, or any ground of suspicion appearing to the Officer, he shall bring the Delinquent or suspected party to a Magistrate to be proceeded with according to the Law. And if any person having goods stolen from him, shall privately receive his said stolen goods (except the fact be private, or committed by some member of his own family) and so smother the theft, and shall not legally prosecute the Offender, he shall forfeit to the common Treasury the Goods or Chattels so received or the true value thereof. [1652.]



CAPITAL LAWS.

Idolatry.

IF any man after Legal Conviction shall HAVE or WORSHIP any other God but the LORD GOD, he shall be put to death, *Exod. 22. 20. Deut 13. 6, 10. Deut 17. 2, 6.*

Witch-craft

2. If any Man or Woman be a WITCH, that is, Hath or Consulteth with a familiar Spirit they shall be put to death, *Exod. 22. 18. Levit. 20. 27. Deut. 18. 10, 11.*

Blasphemy.

3. If any Person within this Jurisdiction, whether Christian or Pagan, shall wittingly and willingly presume to BLASPHEME the holy name of God, FATHER, SON, or HOLY-GHOST, with direct, expresse, presumptuous, or high-handed Blasphemy, either by wilfull or obstinate denying the true God, or his Creation, or Government of the World, or shall curse God in like manner, or reproach the holy Religion of God, as if it were but a poltick devise; to keep ignorant men in awe; or shall utter any other kind of Blasphemy of the like nature and degree, they shall be put to death, *Levit. 24. 15, 16,*

Murther.

4. If any person shall commit any wilfull MURTHUR upon premeditate malice, hatred or cruelty, not in a mans necessary and just defence, nor by meer casualty against his will, he shall be put to death, *Exod. 21 12, 13. Numb. 35. 31.*

5. If any person slayeth another suddenly, in his ANGER or CRUELTY of passion, he shall be put to death, *Levit. 24. 17. Numb. 35 20, 21.*

Poysoning.

6. If any person shall slay another through guile, either by POYSONING or other such Devilish practise, he shall be put to death. *Exod. 21. 14.*

Bestiality.

7. If any Man or Woman shall LYE with any BEAST or Brut Creature, by carnal Copulation, they shall surely be put to death, and the Beast shall be slain and buried, and not eaten, *Levit. 20. 15, 16.*

8. If any Man LYETH with MANKINDE as he lyeth with a Woman, both of them have committed Abomination, they both shall surely be put to death, unless the one party were forced, or be under fourteen years of age, in which case he shall be severely punished, *Levit. 20. 13.*

Sodomy

9. If any Person COMMIT ADULTERY with a Married or Espoused Wife, the Adulterer and the Adulteress shall surely be put to death, *Levit. 20. 19. & 18. 20. Deut. 22. 23, 27.*

Adultery.

10. If any man STEALETH A MAN or Man-kinde, he shall surely be put to death, *Exod. 21. 16.*

Man-stealing.

11. If any Man rise up by FALSE-WITNESSE wittingly, and of purpose to take away a mans Life, he shall be put to death, *Deut. 19. 16. & 18. 16.*

False witness

12. If any Man CONSPIRE and ATTEMPT any INVASION, INSURRECTION or publick REBELLION against our Common-wealth: or shall endeavour to surprize any Town or Towns, Fort or Forts therein; or shall Treacherously and perfidiously attempt the Alteration and Subversion of our frame of Polity or Government fundamentally, he shall be put to death, *Numb. 16. 2 Sam. 3. 2. Sam. 18. 2 Sam. 20.*

Conspiracy

Rebellion,

13. If any Childe or Children above sixteen years old, and of sufficient understanding, shall CURSE or SMITE their natural FATHER or MOTHER, he or they shall be put to death, unless it can be sufficiently testified, that the Parents have been very unchristianly negligent in the education of such Children, or so provoked them by extreme and cruel Correction, that they have been forced thereunto to preserve themselves from Death or Maiming, *Exod. 21. 17. Levit. 20. 9. Exod. 21. 15.*

Children curse or smite Parents.

14. If a Man have a STUBBORN or REBELLIOUS SON of sufficient years of understanding (*viz.*) sixteen years of age, which will not obey the voice of his Father, or the voice of his Mother, and that when they had chastened him, will not hearken unto them, then shall his Father and Mother, being his natural Parents lay hold on him, and bring him to the Magistrates assembled in Court, and testifie unto them, that their Son is stubborn and rebellious, and will not obey their voice and chastisement, but lives in sundry and notorious Crimes: such a son shall be put to death, *Deut. 22. 30, 31.*

Rebellious Son.

15. If any Man shall RAVISH any maid, or single Woman, committing Carnal Copulation with her by force, against her own will; that is above the age of ten years, he shall be punished either with death or with some other grievous punishment according to circumstances, as the Judges or General Court shall determine, [1649.]

Rape.

17. Forasmuch as Carnal Copulation with a Woman Child, under the age of ten years, is a more heinous sin then with one of more years, as being more inhumane and unnatural in it self, and more perillous to the life and well-being of the Child:

Rape of a Child.

It is therefore Ordered by this Court and the Authority thereof, that

whosoever he be shall commit or have Carnal Copulation with any such Childe under ten years old, and be legally convicted thereof, he shall be put to death. [1669.]

Non appearance in a Capital Crime.

17. If any person shall be Indited for any CAPITAL CRIME, (who is not then in durance) and shall refuse to render his person to some Magistrate within one month after three Proclamations publicly made in the Town where he usually abides, there being a month between Proclamation and Proclamation: his Lands and Goods shall be seized to the use of the Common Treasury, till he make his lawful appearance. And such withdrawing of himself, shall stand in stead of one witness to prove his Crime, unless he can make it appear to the Court that he was necessarily hindred. [1646.]

Cask and Cooper. Gager. Packer.

Cask their Assize and quality.

Gagers fee.

Coopers mark.

A. 51. p. 2.

Defective Cask forfeit.

Choice of Gager and Packer

Packer must pack no good lusk in Cask of full Assize

IT is Ordered by this Court and the Authority thereof; That all Cask used for any Liquor, Fish, Beef, Pork, or other Commodities to be put to Sale, shall be of London Assize, and of sound and well seasoned Timber; And that fit persons shall be appointed from time to time, in all places needfull, to Gage all such Vessels or Cask, and such as shall be found of due Assize, shall be marked with the Gagers mark, who shall have for his pains *four pence per Tun*. And every Cooper shall have a distinct Brand mark on his own Cask, upon the penalty of forfeiture of *twenty shillings*. And whosoever shall put to Sale any new Cask, being defective, either in Workmanship, Timber or Assizes as aforesaid, upon due proof made before any one Magistrate, he shall forfeit such Cask to the Informer, and be fined to the use of the Country *ten shillings per Tun*, and so proportionably for greater or lesser Cask. And because there may be no neglect in the choice of a Gager or Packer; It is Ordered, that every Town within this Jurisdiction, wherein any Cask are made, shall yearly make choice of a fit man for that employment, who being presented by the Constable within one Month after the choice made, before any one Magistrate, shall there take his Oath belonging to his place, which if he shall refuse, he shall pay the sum of *forty shillings*, and another shall be chosen in his room. Also the Town or Constable shall either of them suffer the like penalty for their neglect of this Order. And every Gager or Packer, shall see that all Cask he packs, Beef, Pork, Mackerel, Fish or other Goods is committed to his Care, be of true and full Assize, and that he packs the same in no other Cask whatsoever, on penalty of *ten shillings* for every Cask by him packed, that is or shall be defective in that respect, one half to the Informer and the other half to the Country.

To prevent deceit in packing Beef & Pork, Sec

2. And for the preventing deceit of any person in the packing of Fish, Beef and Pork to be put to Sale in this and other Jurisdictions:

It is Ordered, That in every Town where any such Goods are packed up for Sale, the Gager or Packer of that Town, or of the Town wherein it is put to Sale or Shipped, shall see that it be well and orderly performed, that

that is to say, Beef and Pork, the whole, half or quarter, and so proportionably, that the best be not left out: And so Fish, that they be packed all of one kinde, and that all Cask so packed be full and sound, and well seasoned, setting his Seal on all Cask so packed, and he shall recover of the owners for so packing and sealing, *four shillings per Tun*; but if the Gager do only view them, and finde them good and sufficient, he shall set his Seal upon them, and have *one shilling per Tun* for so doing, and if such goods so packed, shall be put to sale without the Gagers mark, he shall forfeit the said Goods that so puts them to sale; the one half to the Informer, the other half to the Country. [1641. 47. 51. 52.]

Packers fee 4s.
per Tun

Cask not marked
forfit.

To Regulate Coopers-Staves.

WHereas the Law tit. Pipe-staves, provides only for Pipe-staves for tight Cask, and that Hoghead-staves and Barrel staves both of white and red Oak, as well as for Pipe-staves, are frequently transported, and traffiqued in payments, both to the Country Treasury, and otherwise;

It is Ordered by this Court and the Authority thereof, That all Hog-head staves shall be in length three foot two inches, or upwards, not exceeding three foot four inches; and all Barrel staves shall be in length thirty one inches, all well and even hewed or dressed sufficiently for use, as for Pipe-staves is expressed, whether of white or red Oak. And all Headings for Pipe-staves of any sort to be in length twenty eight inches; and for Hogheads and Barrels, suitable to the Cask to be made thereof; and that it be inserted in the Oath appointed for Viewers of Pipe-staves, Any thing in the aforesaid Law to the contrary notwithstanding.

Coopers staves
to be well dress.

Cattle Corn-fields. Fences.

IT is Ordered by this Court and the Authority thereof, That in all Corn-fields, which are inclosed in Common, every party interested therein, shall from time to time make good his part of the fence, and shall not put in any Cattle, so long as any Corn shall be upon any part of it, upon paine to answer all the damage that shall come thereby. [1647.]

Owner make
good his Fence

No Cattle to be
put in till Corn
be out

2. Whereas it is found by experience, that there hath been much trouble and difference in several Towns, about the Fencing, Planting, sowing, Feeding and Ordering of Common fields;

Occupiers of
Land may Order
Common Fields

It is therefore Ordered by this Court and the Authority thereof; That where the Occupiers of the Land, or the greatest part thereof, cannot agree about the fencing or unprovement of such their said fields, that then the Select men in the several Towns shall order the same, or in case where no such are, then the major part of the Freemen (with what convenient speed they may) shall determine any such difference as may arise upon any information given them by the said Occupiers, excepting such Occupiers Land shall be sufficiently fenced by it self, which any Occupier of Land may lawfully do. [1643. 47.]

Liberty to Fence
in severall

E

3. Whereas

3. Whereas this Court hath long since provided, that all men shall Fence their Corn, Meadow, ground and such like, against great Cattle, to the end the increase of Cattle especially of Cows and their breed should not be hindered, there being then but few Horses in the Country, which since are much increased, many whereof run in a sort wilde, doing much damage in Corn and other things, notwithstanding fence made up according to the true intent of the Order in that case established, many whereof are unknown, most so unruly that they can by no means be caught or got into custody, whereby their owners might answer damages, and if sometimes with much difficulty and charge they be, they are in danger of perishing before the owner appears or can be found out, all which to Prevent;

Every Town to have a distinct mark for Cattle.

Cattle not murthered trespassing pay double damage.

Unruly Cattle to go in Fetters.

Harms to be viewed by sufficient men.

Notice to be given to the owner of the Beast.

L. 2. P. 8.

L. 2. P. 8.

In voluntary Trespases pay no cost.

L. 1. P. 11.

Goats pay double damage

It is Ordered by this Court and the Authority thereof; That every Town and Peculiar in this Jurisdiction, shall henceforth give some distinct Brand-mark, appointed by this Court (a Copy of which marks, each Clerk or the Writs in every Town shall keep a Record) upon the Horn, or Left Buttock, or Shoulder of all their Cattle which feed in open Common without constant Keepers, whereby it may be known to what Town they do belong. And if any Trespases not so marked, they shall pay double Damages: nor shall any person knowing, or after due notice given of any Beast of his to be unruly in respect of Fences, suffer such Beast to go common, or against Corn-fields, or other improprie inclosed grounds fenced as aforesaid, without such Shackles or Fetters as may restrain and prevent Trespases therein by them from time to time. And if any Horse or other Beast Trespases in any Corn or other inclosure, being Fenced in such sort as secures against Cows, Oxen and such like orderly Cattle; the Party or Parties Trespased shall procure two sufficient Inhabitants of that Town, of good repute and credit, to view and adjudge the harms, which the Owner of the Beast shall satisfy when known upon reasonable demand, whether the Beast were impounded or not: But if the Owner be known, and near residing, as in the same Town or the like, he shall forthwith have notice of the Trespases and Damage charged upon him, that if he approve not thereof, he may nominate one such man, who with one other chosen by the party damaged, as aforesaid, shall review and adjudge the harms; Provided they agree of damage within one day after due notice given, and that no after harms intervene to hinder it; which being forthwith discharged, together with the charge of the notice, former view and determination of damage, the first Judgement to be void, or else to stand good in Law; Provided notwithstanding, the party Trespased shall not be barred of his Action, albeit the harms be not viewed and judged according to the direction aforesaid.

And if any Cattle be found damage feizant, the party damaged may impound or keep them in his own private Close or Yard, till he may give notice to the owner, and if they cannot agree, the Owner may Replevie them, or the other party may return them to the owner, and take his remedy according to Law; yet in case of involuntary Trespases, where such Trespasser shall pay, or Legally tender full recompence for all the damage done by him before any suit commenced, the Plaintiffe shall recover no cost of his suit.

And in all Trespases or damages done to any man, if it can be proved to be done by the meer default of him to whom the damage is done, it shall be judged no Trespases, nor any damage given for it. [1646]

4. For all harms done by Goats, there shall be double damage allowed, and when any Goats are taken in Corn or Gardens, the owner of such

such

such Corn or Garden, may keep and use the said Goats till full satisfaction be made by the owners. [1646.]

5. Forasmuch as Complaints have been made of a very evil Practice of some disordered Persons in the Country, who use to take other mens Horses, sometimes upon the Commons, and sometimes out of their own Grounds and Inclosures, & ride them at their pleasure without any leave or privity of the Owners;

It is therefore Ordered and Enacted by the Authority of this Court; That whosoever shall take any other mans Horse, Mare, Assie, or drawing beast, either out of his inclosure, or upon any Common or elsewhere, (except such be taken damage seizant and disposed of according to Law) without leave of the Owner, and shall ride or use the same, he shall pay to the party wronged treble damages, or if the Complainant shall desire it, then to pay only ten shillings, and such as have not to make satisfaction, shall be punished by whipping, imprisonment or otherwise, as by Law shall be adjudged, and any one Magistrate or County Court may hear and determine the same. [1647.]

Riding or working other mens Horse or Cattle without leave

Penalty treble damage or whip

6. For the better preserving of Corn from damage, by all kinde of Cattle, and that all Fences of Corn-fields, may from time to time be sufficiently upheld and maintained;

A. 53. P. 20

It is Ordered by this Court, That the Select men of all Towns, shall make wholsome Orders, for the repairing of all Fences both general and particular, within their severall Townships, excepting Fences belonging to Farms of one hundred Acres or above, and have power to impose fines upon all Delinquents, not exceeding twenty shillings for one offence; and if any Select men shall neglect to make Orders as aforesaid, they shall forfeit five Pounds to the use of the Town, and so for every Months default from time to time; and the said Select men of every Town shall appoint, from year to year, two or more (if need require) of the Inhabitants thereof, to view the Common fences, of all their Corn-fields, to the end, to take due notice of the real defects and insufficiency thereof, who shall forthwith acquaint the owners thereof with the same; and if the said Owners do not within six dayes time or otherwise as the Select men shall appoint, sufficiently repair their said defective fences: then the said two or more Inhabitants appointed as aforesaid, shall forthwith repair or renew them, and shall have double recompence for all their labour, care, cost and trouble, to be paid by the Owners of the said insufficient Fence or Fences, and shall have warrant from the said Select men, directed to the Constable to levy the same, either upon the Corn or other estate of the Delinquent: Provided the defect of the Fence or Fences be sufficiently proved by two or three witnesses. [1647.]

Select men to order the repair of Fences

To appoint viewers of common Fences

To give notice of defect to the Owners

Owners to repair within six dayes.

If the viewers to mend them & have double recompence.

7. Where Lands lye in Common unfenced, if one man shall improve his Land, by fencing in several, and another shall not, he who shall so improve, shall secure his Land against other mens Cattle, and shall not compel such as joyn upon him to make any Fence with him, except he shall also improve in several as the other doth. And where one man shall improve before his neighbour, and so make the whole Fence, if after his said neighbour shall improve also, he shall then satisfie for half the others Fence against him, according to the present value, and shall maintain the same; and if the first man shall after lay open his said field, then the said neighbour shall enjoy his said half Fence so purchased to his own use, and shall also have liberty to buy the other half Fence, paying according to present

Partition Fence between neighbours born by both.

House Lots
Fences.

Insufficient
Fence no damage
except by Swine
and Calves

valuation, to be set by two men chosen, by either party one: the like Order shall be where any man shall improve Land against any Town-Common. Provided this Order shall not extend to House Lots not exceeding ten Acres, but if such one shall improve, his neighbour shall be compellable to make and maintain one half of the Fence between them, whether he improve or not. Provided also, no man shall be liable to satisfaction for damage done in any ground not sufficiently fenced, except it shall be for damage done by Swine, or Calves under a year old, or unruly Cattle which will not be restrained by ordinary Fences, or where any man shall put his Cattle, or otherwise voluntarily Trespass upon his neighbours ground: and if the party damaged finde the Cattle damage seizant, he may impound or otherwise dispose of them. [1642]

F E N C E.

WHereas the Laws published concerning Fences and Cattle, being in the second Edition, transported from their first order and method, much difficulty doth many times arise concerning the true meaning thereof, whereby great damages do accrew to many of the Inhabitants, and consequently, to the Country: For prevention whereof;

Fence to secure
Corn Fields.

This Court doth Order and Enact, That where any Cattle shall Trespass on any propriety, not appearing to be sufficiently Fenced, against Swine sufficiently yoked and ringed, or Cowes and such Cattle as will be restrained by a sufficient Fence, in the judgement of the viewers of the Fences, as *Pag. 11. Sect. 6.* in all such cases the Owners of the Fence, or of the Land, shall bear all such damages, as to them thereby sustained, any thing in the said Order, or any other Law, Custome or Usage to the contrary notwithstanding. [1662]

Causes Small Causes.

One Magistrate
may and shall
under 40. s.

FOR easing the Charge and Incumbrance of Courts by small Causes; It is Ordered by this Court and Authority thereof; That any Magistrate in the Town where he dwells, may hear and determine by his discretion (not by Jury) according to the Laws here established, all causes arising in that County, wherein the Debt, Trespass or Damage, doth not exceed *Forty shillings*; who may send for parties and witnesses by Summons or Attachment directed to the Marshall or Constable, who shall faithfully execute the same.

Three Commis-
sioners in Towns
to small
causes.

And it is further Ordered, that in such Towns where no Magistrate dwells, the Court of Assistants or County Court, may from time to time upon request of the said Towns, signified under the hand of the Constable, appoint three of the Freemen as Commissioners in such cases, any two whereof, shall have like power to hear and determine all such causes wherein either party is an Inhabitant of that Town, who have hereby power to send for Parties and Witnesses, by Summons or Attachment directed to the Constable, as also to Administer Oaths to Witnesses, and to

give time to the Defendant to Answer if they see cause; and if the Party Summoned refuse to give in his Bond or Appearance; or sentenced, refuse to give satisfaction, where no goods appear in the same Town where the Party dwells, they may charge the Constable with the party, to carry him before a Magistrate or Shire Court (if then sitting) to be further proceeded with according to Law, but the said Commissioners may not commit to Prison in any case. And where the Parties live in several Towns, the Defendant shall be liable to be sued in either Town at the liberty of the Plaintiffe.

L.1. p.46.

2. *And forasmuch as the Magistrates are under an Oath of God, for dispensing equal justice according to Law;*

It is Ordered by the Authority aforesaid, that all Associates for County Courts, when and where there shall be any, and all such Commissioners Authorized as aforesaid, shall be sworn before each County Court or some Magistrate in that County, unto the faithful discharge of the trust and power committed to them.

Associates and Commissioners to be sworn

And it is further Ordered, That in all small Causēs as aforesaid, where only one Magistrate dwells in the Town, and the Cause concerns himself, as also in such Towns where no Magistrate is, and the Cause concerns any of the three Commissioners, that in such cases the Select men of the Town, shall have power to hear and determine the same, and also to graunt execution for the levying and gathering up such damages for the use of the person damnified, as one Magistrate or three Commissioners may do. And no Debt or Action proper to the Cognizance of one Magistrate or the three Commissioners as aforesaid, shall be received into any County Court, but by Appeal from such Magistrate or Commissioners, except in cases of Defamation and Battery. [1647. 49.]

Select men to try Causēs

L.1. p.4.

County Court to reject all Actions under 40 s

3. *Whereas by reason of the concourse of People, and increase of trade in the Town of Boston, Suite at Law are grown more frequent, whereby the County Courts are much prolonged, and forasmuch as many crimes are also committed in the said Town, by strangers and others, which often escape unpunished; For the prevention whereof,*

A.51. p.6

It is Ordered by this Court and the Authority thereof, that there be seven Freemen resident in Boston, annually chosen by the Freemen of the said Town, and presented to the Court of Assistants, who hereby have power to Authorize the said seven Freemen to be Commissioners of the said Town, to act in things committed to their trust, as is hereafter expressed; who shall from time to time be sworn before the said Court, or the Governour, Deputy Governour or any two Magistrates. And this Court doth hereby give and graunt Commission and Authority unto the said seven men, or any five of them, or any three of them with one Magistrate, to hear and determine all Civil Actions which shall be brought before them, not exceeding the sum of Ten Pounds, arising within the neck of Land on which the Town is Scituate, as also on Noddles Island, or betwixt any persons where both parties shall be Inhabitants or Residents within the said Neck or Noddles Island aforesaid, or where either party shall be an Inhabitant or Resident aforesaid; Provided they keep a Book of Records for the entry of all Causēs, Evidences, Testimonies, Sentences and judgements as the Law provides in like Cases; which said Commissioners are Authorized annually, to appoint a Clerk of their Court and to demand and receive of every Plaintiffe in all Cases or Actions not exceeding Forty shillings, the sum of three shillings four pence; and for all

Commissioners of Boston.

Chosen.

Sworn.

Power in civil Causēs to ten pounds.

other Actions, the sum of ten *shillings*; and for all other things the accustomed fees; and the said Commissioners shall from time to time publish their Court dayes, as the three Commissioners in Towns are bound to.

And for the discovery, prevention and punishment of Misdemeanours in the Town of Boston;

In Criminal Cases.

Power and Authority is hereby given and granted to the said Commissioners, and every of them, by Warrant under their or his hand, to convent before them, or any of them, all such persons as shall be complained of for such offences, or otherwise brought to their cognizance, and to hear and determine the same, according to the Laws here established as any Magistrate may do, Provided the fines imposed by them, do not exceed *forty shillings* for one offence.

Officers required to assist the Commissioners

And that the said Commissioners may the better and more diligently endeavour the suppressing of sin and misdemeanours, and the breach of the peace in the said Town; Their Commission shall be from time to time, under the hand of the Secretary of the General Court. And also all Marshalls, Constables and other Inhabitants respectively, are required to be aiding and assisting our Commissioners aforesaid in this behalf.

And that no person may be discouraged or dammishd by this Commission; It shall be lawful for any person to Appeal from the Sentence of all or any of them to the Court of Assistants. [1651.]

A. 4. P. 2.

2. And because the Commissioners in the several Towns have Power of Judicature, the exercise whereof is of great concernment, both to Towns and Country;

None to be Commissioner but such as are approved.

It is therefore Ordered, that henceforth there shall be none admitted to be a Commissioner for any Town in this Jurisdiction, but such whose conversation is inoffensive, and whose fidelity to the Country is sufficiently known and approved of by the County Court of that Shire. [1654.]

Charges Publick.

None to be employed in publick service at their own charge

It is Ordered by this Court and the Authority thereof, That no Governour, Deputy Governour, Assistant, Associate, Grand or Petty Jury man at any Court, nor any Deputy for the General Court, nor any Commissioners for Military Discipline at the time of their publick meetings, shall at any time bear his own charges, but their necessary expences shall be defrayed, either by the Town, or the Shire on whose service they are, or by the Country in general. [1631. 41.]

2. The Court considering the necessity of an equal Contribution to all common charges in Towns;

Every Inhabitant to pay to all charges in Church and Commonwealth

Doth Order, That every Inhabitant shall Contribute to all Charges both in Church and Common-wealth, whereof he doth or may receive benefit: And every such Inhabitant who shall not Contribute proportionably to his ability to all common Charges, both Civil and Ecclesiastical, shall be compelled therunto, by Assessment and Distress, to be levied by the Constable or other Officer of the Town; and the Lands and Estates of all men- (wherein

wherein they dwell) shall be Rated for all Town charges, both Civil and Ecclesiastical (as aforesaid) where the Lands and Estates shall lye, and their persons where they dwell.

Lands & Estates
to pay where
they lye.

3. For a more equal and ready way of raising means for defraying the publick charges, and for preventing such inconveniences as have fallen out upon former Assessments;

It is Ordered and Enacted by the Authority of this Court; That the Treasurer for the time being, shall from year to year in the fifth Month, without expecting any other Order, send his warrants to the Constable and Select Men of every Town within this Jurisdiction, requiring the Constable to call together the Inhabitants of the Town, who being so assembled, shall chuse some one of their Freemen to be a Commissioner for the Town, who together with the Select men, for their prudential affairs, shall some time in the sixth Month then next ensuing, make a List of all the Male persons in the same Town from sixteen years old and upwards, and a true estimation of all personal and real estates, being or reputed to be the estate of all and every the persons in the same Town, or otherwise under their custody or managing according to just valuation, and to what persons the same do belong, whether in their own Town or elsewhere, so near as they can by all lawful means which they may use, viz. of Houses, Lands of all sorts, as well broken up as other (except such as doth or shall lye common for free feed of Cattle, to the use of the Inhabitants in general, whether belonging to Towns or particular Persons, but not to be kept or hearded upon to the damage of the Proprietors,) Mills, Ships and all small Vessels Merchantable, Goods, Cranes, Wharfs, and all sorts of Cattle, and all other known Estate whatsoever, either at Sea or on Shore; all which Persons and Estates are by the said Commissioners and Select men to be assessed and rated as here followeth, viz. every Person aforesaid (except Magistrates and Elders of Churches) *one shilling and eight pence* by the head, and all Estates, both real and personal, at *one penny* for every *twenty shillings*, according to the Rates of Cattle hereafter mentioned. The Estates of all Merchants, Shop-keepers and Factors, shall be Assessed by the Rule of common estimation, according to the Will and Doom of the Assessors, having regard to their Stock and Estate, be it presented to view or not, in whose hands soever it be; and if any such Merchants finde themselves over valued, if they can make it appear to the Assessors, they are to be eased by them, if not, by the next County Court; And Houses and Land, of all sorts (except as aforesaid) shall be rated at an equal and indifferent value, according to their worth in the Towns and Places where they lye. Also every Bull and Cow of *four years old and upward at three pounds*, Heifers and Steers between *three and four years old at fifty shillings*, and between *two and three years old at forty shillings*, and between *one and two at twenty shillings*, and every Oxe of *four years old and upward at five pounds*, every Horse and Mare of *three years old and upward five pounds*, between *two and three at three pounds*, of *one year old and upwards at thirty shillings*; every Ewe sheep above *one year old at ten shillings*, every Goat above a *year old at eight shillings*, every Weather sheep above *one year old at ten shillings*; every Swine above *one year old at twenty shillings*; Every Ass above *one year old at forty shillings*: And all Cattle of all sorts under a *year old*, are hereby exempted; as also all Hay and Corn in the Husbandmans hand, because all Meadow, arable Ground and Cattle are Rateable as aforesaid.

Country Rate

Treasurers warrant to the Constable.

Persons & Estates to be valued in the sixth month.

Persons at 1 s.
8 d. per head

Estates at one
penny per pound

A. 51. p. 1.

Merchants rated
by will & doom

A. 57. p. 23.

Rate of house &
lands.

Rate of Cattle.

And for all such persons as by the advantage of their Arts and Trades,

are

Artificers and
Handicrafts
Rated.

Impotent per-
sons exempted.

Commissioners
meet at the Shire
Town.

To perfect the
Assessments.

Constables to
Collect in the
ninth month.

Peccaries to be
Assessed at the
next Town.

Commissioners
or Select mens
failings

Forfeil 40.s.

are more enabled to help bear the publick charge then common labourers and Workmen, as *Butchers, Bakers, Brewers, Victuallers, Smiths, Carpenters, Tayors, Shoemakers, Joiners, Barbers, Millers and Masons*, with all other manual persons and Artists, such are to be rated for returns and gaines, proportionable unto other men for the produce of their Estates, Provided that in the Rate by the Poll, such persons as are disabled by sickness, lameness or other infirmity shall be exempted. And for such Servants and Children as take not wages, their Parents and Masters shall pay for them, but such as take wages shall pay for themselves.

And it is further Ordered, That the Commissioners for the severall Towns, in every Shire, shall yearly upon the first fourth day of the week in the seventh Month, assemble at their Shire Town, and bring with them fairly written the just number of Males listed as aforesaid, and the Assessments of Estates made in their severall Towns, according to the Rules and Directions in this present Order expressed, and the said Commissioners being so assembled, shall duely and carefully examine all the said Lists and Assessments of the severall Towns in that Shire, and shall correct and perfect the same, according to the true intent of this Order, as they or the major part of them shall determine, and the same so perfected, they shall speedily transmit to the Treasurer under their hands, or the hands of the major part of them; and thereupon the Treasurer shall give warrants to the Constables to collect and levy the same; so as the whole Assessment, both for Persons and Estates, may be paid in unto the Treasurer before the *twentieth day* of the *ninth Month* yearly: And every one shall pay their Rate to the Constable in the same Town where it shall be Assessed, (nor shall any Land or Estate be Rated in any other Town but where the same shall lye, or was improved to the Owners, reputed Owners, or other Proprietors use or behoof, if it be within this Jurisdiction) And if the Treasurer cannot dispose of it there, the Constable shall send it to such place in *Boston*, or elsewhere, as the Treasurer shall appoint, at the charge of the Country, to be allowed the Constable upon his account with the Treasurer, and for all peculiars, *viz.* such places as are not yet laid within the bounds of any Town, the same Lands with the Persons and Estates thereupon, shall be Assessed by the Rates of the Town next unto it, the measure or estimation shall be by the distance of the meeting houses.

And if any of the said Commissioners, or of the Select men, shall wittingly fail or neglect to perform the trust committed to them by this Order, in not making, correcting, perfecting or transmitting any of the said Lists or Assessments according to the intent of this Order;

Every such Offender shall be fined *forty shillings* for every such offence, or so much as the Country shall be damnified thereby, so it exceed not *forty shillings* for one offence, provided such offence be complained of and prosecuted within six months.

And it is further Ordered, that upon all Distresses to be taken for any of the Rates and Assessments aforesaid, the Officer shall distress Goods or Cattle if they may be had, and if no Goods, then Lands or Houses, if neither Goods nor Lands can be had within the Town where such Distress is to be taken, then to Attach the body of such persons to be carried to Prison, there to be kept till the next Court of that Shire, except they put in security for their appearance there, or that payment be made in the mean time.

And it is Ordered, that the prizes of oill sorts of Corn, to be received upon any Rate by virtue of this Order shall be such as this Court shall set

set from year to year, and in want thereof at price curreant, to be judged by the Commissioners of *Essex, Middlesex and Suffolk*.

And it is further Ordered, that no Estate of Land in *England*, shall be Rated in any publick Assesment; And it is hereby Declared, that by publick Assesment and Rates, is intended only such as are Assessed by Order of the General Court for the Countries occasion and no other. [1646. 47, 51, 57.]

Land in England Rate free

4. It is Ordered, that every Constable within this Jurisdiction, shall on the penalty of *five pounds*; clear up all their Accounts with the Treasurer, for the Rates of their severall Towns, by the first of *May* yearly, and they and every of them are impowred to prest *boats or carts*, for the better and more speedy sending in their Rates, according to the time appointed.

A. 56. P. 11

Constables in clear their Accounts with the Treasurer by the first of May.

And if any Constable shall not have Collected the Rates and Assesments, committed to his charge by the Treasurer, during the time of his Office, that he shall, notwithstanding the expiration of his Office have power to Levy by distress, all such Rates and Levies; and if he bring them not in to the Treasurer according to his warrant, the Treasurer shall distreyn such Constables goods for the same.

L. 1. P. 46.

Constable after the expiration of his Office hath power to Collect Rates.

And if the Treasurer shall not so distreyn the Constable, he shall be answerable to the Country for the same: And if the Constable be not able to make payment, it shall be lawfull for the Treasurer to distreyn for all arrearages of rates and leavyes, any man or men of that Town where the Constables are unable, and that man or men upon petition to the General Court, shall have Order to Collect the same again equally of the Town, with his just damages for the same. [1640. 56.]

Treasurer may distrein the Constable or any other Inhabitant.

RATING STRANGERS.

THis Court understanding that severall Gentlemen Merchants strangers, in the beginning of every year, frequently comming into these parts, and bringing great store of English and other goods of all sorts to great value, and usually making up their markets to their great advantage before the Sixth Month, when the Rates, or Order for the Collecting of them by Law is to issue out, (not without a considerable disadvantage to the Merchants and Shop-keepers, Residents and Inhabitants of this Colony, who have born the heat of the day, and are faine to be at all the charge for supporting of the Government) and the said Merchants strangers takinge the chief of the benefit of the Trade, and make their escapes without any payment to support the Government of this place, under, and by which they reap so great advantage to themselves: It is therefore Ordered, that it shall be henceforth lawfull for the Select men of each Town, where such Strangers are, or shall be, to assess all such Strangers, according to the Cargo's they shall bring into this Country: Or in case of their refusall, to give a true Account of their Estate to the Select-men; then the said Select-men shall, and hereby are impowred to make their Assesment on all such Strangers in any Moneth of the Year, yearly, in proportion to a single Rate by will and doom, as the Inhabitants of this Country are used to be rated; and for non-payment, by the Constables to Levy their said Assesments, as in other cases, by Warrant from the said Select-men. [1665.]

Order for Assesments on Strangers.

FOR the preventing of differences arising between the Treasurer of the Country and the Constables of the Townes, in Collecting and receiving the Country

For prevention of difference between Treasurer and Constables

Rate, ana of great Damage thereby happening to the Country;

It is Ordered by this Court, that where any pay is tendered, the price whereof is not determined by this Court, the place of Apprisement shall be where the payment is tendered to the Treasurer, or his Order by men indifferently chosen, as the Law directs. [1667.]

Ministers of
Gods word Rate
free.

It is Ordered by this Court and the Authority thereof, that henceforth the *Ministers of Gods Word*, regularly Ordained over any Church of Christ, Orderly gathered and Constituted; sh^l be freed from all Rates for the Country, County and Church, and for the Town also, except where by special Contract with the Town they have consented thereunto: Provided this freedome shall extend onely to such estate as is their own proper estates, and under their own Custody and improvement. [1671.]

Children and Youth.

Forasmuch as the good Education of Children is of Singular behoofe and benefit to any Common-wealth, and whereas many Parents and Masters are too indulgent and negligent of their duty in that kind;

Select men care
that all children
may be taught
to Reade.

It is Ordered, that the Select men of every Town, in the severall Precincts and quarters where they dwell, shall have a vigilant eye over their brethren and neighbours, to see, First that none of them shall suffer so much Barbarism in any of their families, as not to endeavour to teach, by themselves or others, their Children and Apprentices, so much learning, as may enable them perfectly to read the English tongue, and knowledge of the Capital Lawes: upon penalty of *twenty shillings* for each neglect therein.

And Catechized

Also that all Masters of families, do once a week (at the least) Catechise their children and servants in the Grounds and Principles of Religion, and if any be unable to do so much; that then at the least they procure such children and apprentices, to learn some short Orthodox Catechisme without book, that they may be able to answer unto the questions that shall be propounded to them out of such Catechism, by their Parents or masters, or any of the Select men when they shall call them to a tryal, of what they have learned in that kind.

Children to be
brought up in
some Calling.

And farther that all Parents and Masters do breed and bring up their children and apprentices in some honest lawfull Calling, Labour or imployment, either in husbandry or some other trade, profitable for themselves and the Common-wealth, if they will not or cannot train them up in learning, to fit them for higher imployments.

Unruly children
placed out by
Select men.

And if any of the Select men; after admonition by them given to such masters of families, shall find them still negligent of their duty in the particulars afore mentioned, whereby Children and servants become rude, stubborn, and unruly: the said Select men with the help of two Magistrates, or the next County Court for that Shire, shall take such children or apprentices from them, and place them with some Masters for yeares, (boyes till they come to *twenty one*, and girls *eighteen yeares* of age compleat) which will more strictly look unto, and force them to submit unto Government, according to the rules of this Order, if by fair means and former instructions they will not be drawn thereto. [1682.]

2. Forasmuch as it appeareth by too much experience, that diverse Children and Servants, do behave themselves disobediently and disorderly towards their Parents, Masters and Governours; to the disturbance of families, and discouragement of such Parents and Governours;

A. 54. P. 6.

It is Ordered by this Court and Authority thereof, That it shall be in the Power of any one Magistrate, by warrant directed to the Constable of that Town where such offender dwells, upon complaint, to call before him any such offender, and upon conviction of such misdemeanors, to sentence him to endure such Corporal punishment, by whipping or otherwise, as in his judgment the Merit of the fact shall deserve, not exceeding *ten stripes* for one offence, or bind the offender to make his appearance at the next County Court;

Disobedient Children & Servants punished by one Magistrate.

And further it is also Ordered, that the Commissioners of Boston, and the three Commissioners of each Town where no Magistrate dwells, shall have the like Power; Provided that the person or persons so sentenced, shall have liberty to make their Appeale to the next County Court, in any such cases.

Or by the Commissioners.

3. Upon Information of diverse loose, vain, and corrupt persons, both such as come from Forrain parts, as also some others here inhabiting or residing, which insinuate themselves into the fellowship of the young people of this Country, drawing them both by night and by day, from their callings, studies and honest occupations, and lodging places, to the dishonour of God, and grief of their Parents, Masters, Tutors, Guardians and Overseers &c.

A. 51. P. 4.

It is Ordered by this Court and the Authority thereof, That whosoever shall any wayes cause or suffer any Young people or persons whatsoever, whether Children, servants, apprentices, Schollars belonging to the Colledg, or any Latine school, to spend any of their time or estate, by night or by day, in his or their Company, Ship or other vessell, Shop or house, whether Ordinary, Tavern, victualing house, Cellar or other place where they have to do, and shall not from time to time, discharge and hasten all such Youths to their severall employments and places of abode, or lodging aforesaid, if their being in any such place be known to them, or any other servant or help in the family, or supplying the place of a servant at Sea or on land: that then such person, householder, shop-keeper, snip-master, ordinary-keeper, taverner, victualer, or other; shall forfeit the sum of *forty shillings* upon legal conviction before any Magistrate, or the Commissioners Authorized to end small causes, one halfe to the informer, the other halfe to the Country; and all Constables in their severall Limits are Required to Act herein as is provided in reference to the Law concerning Inkeepers.

Persons under Government not to be entertained in common houses.

On penalty of forty shillings.

4. Whereas sundry Gentlemen of quality, ana others, oft times send over their Children into this Country to some friends here, hoping (at least) thereby to prevent their Extravagant and riotous courses; who notwithstanding (by meanes of some unadvised or ill affected persons, which give them credit, in expectation their friends either in favour to them, or prevention of blemish to themselves, will discharge their debts) they are no less lavish and profuse here, to the great grief of their friends, dishonour of God, reproach of the Country;

It is therefore Ordered by this Court, That if any person after publication hereof, shall any way give credit to any such Youth, or other person under one and twenty yeares of age, without order from their friends here or else where under their hands in writing, they shall loose their debt

Debts made by persons under age not recoverable.

what ever it be, And further, if such Youth or person incur any penalty by such meanes, and have not wherewith to pay, such person or persons as are occasions thereof, shall pay it, as the delinquents in the like case should do. [1647.]

Parents denying marriage &c.

5. If any person shall willfully and unreasonably deny any Child, timely or convenient marriage, or shall exercise any unnatural severity toward them; such children shall have liberty to complaine to Authority for redress in such cases. [1641.]

Orphans not be disposed on without a Court

6. No Orphan, during their minority, which was not committed to tuition or service by their Parents in their life time, shall afterwards be absolutely disposed of by any, without the consent of some Court, wherein two Assistants (at least) shall be present, except in case of marriage, in which the approbation of the major part of the Select men of that Town, or any one of the next Assistants shall be sufficient, and the minority of women in case of marriage, shall be *sixteen yeares*. [1646.]

Chirurgions, Midwives, Physitians.

L. 2. P. 3.

FORasmuch as the Law of God allows no man to impair the Life, or Limbs of any Person, but in a judicial way;

No force or violence to be used in any case without consent &c.

It is therefore Ordered, That no person or persons whatsoever, employed at any time about the bodies of men, women or children, for preservation of life or health; as Chirurgions, Midwives, Physitians or others; presume to exercise, or put forth any act contrary to the known approved Rules of Art, in each Mystery and occupation, nor exercise any force, violence or cruelty upon, or towards the body of any, whether young or old, (no not in the most difficult and desperate cases) without the advice and consent of such as are skillfull in the same Art, (if such may be had) or at least of some of the wisest and gravest then present, and content of the patient or patients if they be *mentis compotes*, much less contrary to such advice and consent; upon such severe punishment as the nature of the fact may deserve, which Law nevertheless, is not intended to discourage any from all lawfull use of their skill, but rather to incourage and direct them in the right use thereof, and inhibit and restraine the presumptuous arrogancy of such as through pride of their own skill, or any other sinister respects, dare holdly attempt to exercise any violence upon or towards the bodies of young or old, one or other, to the prejudice or hazard of the life or limbe of man, woman or child. [1649]

Clerke of the Writts.

L. 2. P. 13.

IT is Ordered by this Court and Authority thereof; That notwithstanding every Magistrate hath power to graunt Warrants, Summons and Attach

Attachments) in every Town within this Jurisdiction, there shall henceforth be a Clerke of the Writts, nominated by each Town, and allowed by each Shire Court; to grant Summons and Attachments in all Civil Actions; at the liberty of the Plaintiffe, and Summons for Witnesses; and the said Clerks are allowed to grant Replevins, and to take Bond with sufficient security of the party to prosecute the Suite, whose Fees shall be, for every Warrant *two pence*, a Replevin or Attachment *three pence*, and for a Bond *four pence*. And all Attachments are to be directed to the Constables, in such Townes where there is no Marshal dwelling. [1641]

Clerks fees.

Warrants directed to the Constable.

It is Ordered, That henceforth the Clerke of the Writts shall demand of such as receive Attachments of them, *three pence* a pece more then formerly, in behalfe of the Marshal General, which shall be in lieu of that *three pence* on Attachments, by a former Law he was to receive of the Constable or County Marshal, and that the Constables shall have but *twelve pence* upon an Attachment as formerly. [1660]

Clerk of the Writts to Respond the Marshals fees of 3d Attachment.

COLLEGE.

WHereas through the good hand of God upon us, there is a Colledge founded in Cambridge in the County of Middlesex, called *Harvard Colledge*; for the incouragement whereof, this Court hath given the Summ of four hundred pounds, and also the Revenue of the Ferry bewixt *Charlestown* and *Boston*; and that the well Ordering and mannaging of the said Colledge is of great concernment;

It is therefore Ordered by this Court and the Authority thereof, That the Governour, and Deputy Governour for the time being, and all the Magistrates of this Jurisdiction, together with the teaching Elders of the six next adjoyning Townes, viz: *Cambridge, Watertowne, Charles-towne, Boston, Roxbury and Dorchester*, and the President of the said Colledge for the time being, shall from time to time have full Power and Authority to make and establish all such Orders, Statutes and Constitutions, as they shall see necessary for the Instituting, Guiding and furthering of the said Colledge, and several members thereof, from time to time, in Piety, Morallity and Learning, and also to dispose, order and mannage to the use and behoofe of the said Colledge and members thereof, all Gifts, Legacies, Bequeaths, Revenues, Lands and Donations, as either have been, are, or shall be Conferred, Bestowed, or any wayes shall fall, or come to the said Colledge. And whereas it may come to pass, that many of the said Magistrates and said Elders may be absent, or otherwise employed about other weighty Affaires, when the said Colledge may need their present Help and Counsell; It is therefore Ordered, that the greater number of Magistrates and Elders, which shall be present with the President, shall have the Power of the whole; Provided that if any Constitution, Order or Orders by them made, shall be found hurtfull unto the said Colledge, or the members thereof, or to the Weal-publick, then upon Appeal of the Party or Parties grieved, unto the company of Overseers first mentioned, they shall Repeal the said Order or Orders (if they shall see cause) at their next meeting,

Commissioners and Officers of the Colledge.

To make Orders

Dispose of Gifts and Revenues.

or stand accountable thereof to the next General Court. [1636. 40. 42.]

A. 54. P. 2. 2. *Whereas we cannot but acknowledge the great goodnes of God towards his People in this Wilderness, in raysing up Schooles of Learning, and especially the Colledge, from whence there hath sprung many Instruments, both in Church and Common-wealth, both to this and other places: And whereas at present the work of the Colledge hath been several wayes obstructed, and seems yet also at present, for want of comfortable maintenance, for the incouragement of a President: This Court takinge the same into their serious consideration, and finding that though many Propositions have been made for a voluntary Contribution, yet nothing hath hitherto been obtained from severall persons and Townes, although some have done very liberally and freely, and fearing least we should shew our selves ungratefull to God, or unfaithfull to posterity, if so good a Seminary of Knowledge and Virtue should fall to the ground through any neglect of ours;*

One hundred
pounds given by
the Court to the
President and
Fellows.

It is therefore Ordered by this Court and the Authority thereof, That (besides the Profit of the Ferry formerly granted to the Colledge, which shall be continued) there shall be yearly Levvyed by Addition to the Country Rate *one hundred pounds*, to be payd by the Treasurer of the Country to the Colledge Treasurer, for the behoofe and maintenance of the President and Fellows, to be distributed between the President and Fellows according to the determination of the Overseers of the Colledge, and this to continue, duringe the pleasure of the Country.

And it is hereby Ordered, That no man shall stand engaged to pay his voluntary Contribution, that he hath under-written, by virtue of this Courts propositions, and that such persons as have already done voluntarily, shall be considered for the same in the Country Rate, such a proportion as this addition of *one hundred pounds* doth adde to the Rate, to be allowed by the Constable to each person, and by the Treasurer to the Constable. [1659]

CONDEMNED.

None to be executed within 4 dayes after Condemnation.

IT is Ordered by this Court; That no man Condemned to dye. Shall be put to Death within four dayes next after his condemnation, unless the Court see special cause to the contrary, or in case of Marshal Law: nor shall the Body of any man so put to death, be unburied *twelve hours*, unless it be in case of *Anotomie*. [1641]

Signing of Warrants for execution.

It is Ordered by this Court and the Authority thereof, That the *Secretary* for the time being, shall from time to time, Signe all *Warrants* for the execution of persons sentenced to Death, either in the General Court or Court of Assistants: and that the *Secretary* or *Clecke* of every Court shall signe *Warrants* for executions in all other judgements of Courts Civil or Criminal any Custome or usage to the contrary notwithstanding. [1668]

C O N S T A B L E S.

IT is Ordered by this Court and Authority thereof, That the Constable shall Whip, or Punish any to be punished by Order of Authority (where there is not another Officer appointed to do it) in their own Townes, unless they can get another to do it; Also every Constable is Impowered and hereby Enjoyed, faithfully to Collect such Rates and Assessments as shall from time to time be committed unto them, by the Select men of the several Towns, provided it be by Warrant under their hand.

Constable to whip.

A. 55. P. 26

To Collect town Rates.

2. It is further Ordered; That any and every Person tendered to any Constable of this Jurisdiction, by any Constable or other Officer, of our owne, or belonging to any Forraine Jurisdiction in this Country, or by Warrant from any such Authority; shall be presently received and conveyed forthwith from Constable to Constable, till they be brought to the place to which they are sent, or before some Magistrate of this Jurisdiction, who shall dispose of them as the justice of the cause shall require.

To convey Offenders.

Hues & cries to be pursued.

And all *Hues & cries* shall be duely received and diligently pursued to full effect; And where no Magistrate is neer, every Constable shall have full power to make, signe, and put forth, pursuites or *Hues & cries*, after *Murderers, Manslayers, Peace-breakers, Theeves, Robbers, Burglars,* and other Capital offenders, as also to Apprehend without warrant, such as are overtaken with *Drinke, Swearing, Sabbath-breaking, Lying, Vagrant persons, Night-walkers*; Provided they be taken in the manner, either by the sight of the Constable, or by present information from others.

To be put forth by the Constable

Offenders to be Apprehended.

As also to make search for all such persons, either on the Sabbath day or other, when there shall be occasion, in all houses Licenced to sell either Beer or Wine, or in any other suspected or disordered places, and those to Apprehend and keep in safe custody, till opportunity serve to bring them before one of the next Magistrates, to further examination; Provided when any Constable is imployed by any of the Magistrates, for Apprehending of any person, he shall not do it without Warrant in writing;

All to assist the Constable on penalty of 10. £.

And if any person shall refuse to assist any Constable, in the execution of his Office, in any of the things afore mentioned, being by him required thereto, they shall pay for neglect thereof *ten shillings*, to the use of the Country, to be levied by Warrant from any Magistrate, before whom any such offender shall be brought, and if it appear by good testimony, that any shall willfully, obstinately, or contemptuously refuse or neglect to assist any Constable as is before expressed, he shall pay to the use of the Country *forty shillings*.

Willfully neglect forty shillings

And that no man may plead ignorance for such neglect or refusall;

It is Ordered, that every Constable shall have a *Black Staff*, of five foot long, Tipped at the upper end about *five inches* with brass, as a Badge of his Office, which he shall take with him when he goeth to discharge any part of his Office; which staff shall be provided at the charge of the Town, and if any Magistrate, Constable, or any other upon urgent occasion, shall refuse to do their best endeavour, in raising and prosecuting *Hues & cries*, by foot, and if need be by horse, after such as have committed Capital Crimes, they shall forfeit for every such offence to the use aforesaid *fourty shillings*. [1646.]

Constable Staff.

Nor rising Hue and cries to Capital cases fort.

For the Regulating and settling the charge of prosecution of Hues & cries,
It is Ordered, that what shall Arise by occasion of escape from the Countrys Prison

Prison

Charge of Hues
and cries.

prison, or flight from Authority to avoyd the same, shall be payd by the *Treasurer of the Country*, and such as Arise by flying from any of our County prisons, or to escape any of them, shall be defrayed by the *Treasurer of that County* where the occasion did arise. And such persons as procure *Hues & cryes* upon their own particular occasions, shall bear all the charge arising therefrom; provided due accompts be made by such as demand pay. [1660.]

Conveyances, Deeds and Writings.

A. 52. P. 15.

FOR the prevention of *Clandestine and uncertaine Sales and Titles*; It is Ordered and Declared by this Court, That henceforth no Sale or Alienation of Houses and Lands, within this Jurisdiction, shall be holden good in Law, except the same be done by Deed in writing, under hand and Seal, and Delivered, and Possession given upon part in the name of the whole, by the Seller or his Attorney, so Authorized under hand and Seal; unless the said Deed be acknowledged and Recorded according to Law. [1652.]

No Sale of Land
vail'd without
Deed &c

A. 51. P. 2.]

2. Whereas the unskilfullnes of some, that make *Deeds and Conveyances of Houses and Land*, the word *Heire* is oftentimes Omitted, when as an *Estate of Inheritance* is intended to be passed by the Parties; whereupon *Questions and Suites at Law* are apt to arise: For the prevention whereof for time to come; This Court Ordereth;

How Deeds and
Conveyances are
to be made.

That all Deeds and Conveyances of Houses and Lands in this Jurisdiction, wherein an *Estate of Inheritance* is to be Passed, it shall be expressed in these words, or to the like effect; viz. To Have and to Hold, the said House or Lands respectively, to the Partie or Grantee, his Heires and Assignes for ever; or if it be an *Estate entayled*, then to Have and to Hold &c: to the Partie or Grantee, and to the Heires of his body Lawfully begotten, or to the Heires Male of his body Lawfully begotten, between him and such an one his wife, or to Have and to Hold to the Grantee for terme of life, or for so many yeares; Provided this Law shall not include former Deeds and Conveyances, but leave them in the same condition, as they were or shall be in before this Law takes effect, which shall be at the last of *October* one thousand, six hundred, and fifty one, Provided also that this Law shall not extend to Houses or Lands given by Will or Testament, or to any Land granted, or to be granted by the Inhabitants of a Towne. [1651.]

L. 1. P. 16.

Debts obtained
by force invallid

Fraudulent
Deeds invallid.

3. It is Ordered, That no Conveyance, Deed or Promise whatsoever, shall be of Validity, if it be obtained by illegal Violence, Imprisonment, Threatning, or any kind of Forcible compulsion, called *Dures*. [1641.]

And all Covenous or Fraudulent Alienations or Conveyances of Lands, Tenements, or any Hereditaments, shall be of no force or validity, to Defeate any man from his due Debts or Legacies, or from any just Title, claime or possession, of that which is so Fraudulently conveyed.

4. And for the avoyding all Fraudulent Conveyances, and that every man

man may know what Estate or Interest, other men may have in any Houses, Lands or other Hereditament, they are to deale in;

It is Ordered by the Authority of this Court, That after the end of October, one Thousand, six hundred and forty, no Mortgage, Bargain, Sale, or Grant made, of any Houses, Lands, Rents or other Hereditaments, where the Granter remains in Possession, shall be of any Force against other persons, except the Granter and his Heires, unless the same be acknowledged before some Magistrate, and Recorded, as is hereafter expressed: And that no such Bargain, Sale or Grant already made in way of Mortgage, where the Granter remains in possession, shall be of Force against other; but the Granter or his heires, except the same shall be entred as is hereafter expressed within one Month after the date before mentioned, if the party be within this Jurisdiction, or elsewere, within three Months after he shall return; And if any such Granter being required by the Grantee his Heires or Assignes, to make an Acknowledgment of any Grants, Sale, Bargain or Mortgage by him made, shall refuse so to do, it shall be in the Power of any Magistrate to send for the partie so refusing, and commit him to prison without Baile or Mainprise, until he shall acknowledge the same, and the Grantee is to enter his Caution with the Recorder of the County Court, and this shall save his Interest in the mean time; [And if it be Doubtfull whether it be the Deed and Grant of the party, he shall be bound with Sureties to the next Court of Assistants, and the Caution shall remaine good as aforesaid.

Sales to be acknowledged and Recorded

Party refusing to acknowledge his Deed to be imprisoned

Grantee to enter his Caution.

And for the Recording of all such Grants, Sales, Mortgages;

It is Ordered, that the Clerke of every Shire Court shall Enter all such Grants, Sales, Bargains, Mortgages of Houses, Lands, Rents and Hereditaments as aforesaid, together with the names of the Granter and Grantee, Thing and Estate granted, together with the Date thereof. [1641, 42.]

Clerke of the Court to enter Deeds.

C O U N C I L.

THIS Court considering how the weighty Affaires of this Jurisdiction, whether they Concern this peculiarly, or have Reference to the rest of our Confederated Colonies, may be duely and speedily Transacted, in the Vacancy of the General Court, for the satisfaction of the Commissioners, in respect of the weighty and suddain occasions which may be then in hand;

Council how to be called together.

Doth hereby Express and Declare, that the General Court ought to be called by the Governour, when the importancy of the busines doth require it, and that time and opportunity will safely admit the same; and that all other necessary matters are to be Ordered and dispatched by the Major part of the Council of the Common-wealth: And therefore to that end, Letters signifying briefly the busines, and the time and place of meeting for Consultation ought to be sent unto the Assistants.

Also it is hereby Declared, that Seven of the said Assistants meeting, the Governour or Deputy Governour being one, is a sufficient Assembly to Act, by Imprissing of Souldiers or otherwise as need shall be, and in case of extream and urgent necessity, when endeavours are reasonably used to call together the Assistants, and the busines will not admit delay, then

How many may Act.

the ACTs of ſo many as do Aſſemble, are to be accounted and are accounted Vallid and ſufficient: Alſo it is intended, that the General words afore mentioned, containe in them Power to Impreſs and ſend forth ſouldiers, and all manner of Viſuals Veſſels at Sea, Carriages and all other neceſſaries, and to ſend warrants to the Treafurer to pay for the ſame. [1645]

Their power.

COUNSELL. ADVICE.

L.2. P.1.

None to give
Counſell of Ma-
giſtrate or Com-
miſſioner in Civil ad.

IT is Ordered by this Court; That it ſhall not be Lawfull for any perſon to aſke Counſell or Advice of any Magiſtrate, or Commiſſioner in Townes, in any Caſe wherein afterwards he ſhall or may be Plaintiffe, before ſuch Magiſtrate or Commiſſioner, under penalty of being diſabled to proſecute any ſuch Action, (that he hath ſo propounded or taken advice as aforeſaid,) at the next Court where the caſe ſhall come to Tryal, being pleaded by way of Barr, either by the Defendant or any on his behalfe; in which Caſe the Plaintiffe ſhall pay full Coſts to the Defendant, and if the Defendant aſke Counſell or Advice as aforeſaid, he ſhall forfeit ten ſhillings for every ſuch offence to the Plaintiffe.

COURT.

L.2. P.10,
13.

General Court
the Chief power.

IT is hereby Declared, That the General Court conſiſting of Magiſtrates and Deputyes, is the chief Civil Power of this Common-wealth; which onely hath Power to Raiſe Money and Taxes upon the whole Country, and diſpoſe of Lands, viz. to Give and Conſirme Proprieties, appertaining to and immediately derived from the Country; and may ACT in all affaires of this Common-wealth according to ſuch Power, both in matters of Counſell, making of Lawes, and matters of Judicature, by Impeaching and Sentencing any perſon or perſons according to Law, and by receiving and hearing any Complaints orderly preſented againſt any perſon or Court;

And it is Agreed, that this Court will not proceed to Judgement in any Caſe, Civil or Criminal, before the Deputyes have taken this Oath following. [1634, 42, 44.]

L.2. P.24.

Deputyes Oath,

I Doe Swear by the moſt great and dreadfull Name of the Everliving God, that in all Caſes wherein I am to deliver my Vote or Sentence, againſt any Criminal Offence, or between Parties in any Civil caſe; I will deale uprightly and juſtly, according to my judgement and conſcience; And I will according to my ſkill and ability, Aſſiſt in all other Publick affaires of this Court, Faithfully and Truly, according to the Duty of my place, when I ſhall be preſent to attend the ſervice.

L.1. P.16.

Magiſtrates and
Deputyes to ſitt
apart

2. Forasmuch as after long Experience, diſerſe inconueniencies are found in the manner of proceeding in this Court, by Magiſtrates and Deputyes ſitting together: It is therefore Ordered by this Court and Authority thereof; That henceforth the Magiſtrates ſitt apart, and ACT all buſineſs belonging to this Court, by themſelves; by drawing up Bills and Orders,

as they shall see good in their wisdom, which having agreed upon, they may present to the Deputies to be considered, and accordingly to give their Consent or Dissent: The Deputies in like manner sitting by themselves, and consulting about such Orders and Laws, as they in their discretion and experience shall finde meet for the Common good; which agreed on by them, they may present to the Magistrates, who having considered thereof, may manifest their Consent or Dissent thereto;

And no Law, Order or Sentence shall pass, or be accounted an Act of this Court, without consent of the greater part of the Magistrates on the one party, and the greater number of Deputies on the other party; But all Orders and Conclusions that have passed by Approbation of Magistrates and Deputies as aforesaid, shall be accounted Acts of this Court; and accordingly be Ingrossed, which on the last of day every Session shall be deliberately Read over before the whole Court; Provided that if the Magistrates and Deputies shall happen to differ in any case of Judicature, either Civil or Criminal, such Case shall be determined by the Major Vote of the whole Court met together.

L. 1. P. 35.

No Act to pass without consent of the major part of both.

A. 52. P. 11

3. FOR the Election of the Governour, Deputy Governour, Assistants and General Officers, upon the day appointed by our Patent, to hold our yearly Election, being the last Wednesday of every Easter Term;

It is Solemnly and Unanimously Decreed and Established; That henceforth, the Freemen of this Jurisdiction, shall either in Person or by Proxy, without any Summons Attend and Consummate the Elections on the day aforesaid yearly; at which time also they shall send their Deputies with full Power to consult of and determine such matters, as concern the Welfare of this Common-wealth; From which General Court, no Magistrate or Deputy shall depart or be discharged, without the consent of the Major part both of Magistrates and Deputies, during the first four dayes of the first Session, under the penalty of one hundred pounds, nor afterwards under such penalty as the Court shall impose, Provided that the Deputies of Dover, and of such other Townes as are not by Law bound to send Deputies, are at liberty of attending any after Sessions. [1643, 53.]

Day of Election to be attended without Summons.

Deputies also to be sent.

None to depart without leave.

4. It is hereby Ordered and declared, that the Governour and Deputy Governour, joyntly agreeing, or any three Assistants consenting, have power out of Court to Reprieve a condemned Malefactor, till the next Court of Assistants, or General Court; and that the General Court onely hath Power to Pardon a condemned Malefactor.

L. 1. P. 24.

Governour and Deputy Governour, or three Assistants power to reprieve one condemned.

Also it is declared, that the General Court hath Authority to send forth into Forraine parts, any member of this Common-wealth, of whatsoever quality, conditon, office or relation, about any publick Message or Negotiation, Provided the Party so sent be acquainted with the Affaires he goeth about, and be willing to undertake the Service. [1641]

General Court may send forth any person.

5. It is Ordered by this Court, that the Governour, Deputy Governour, or greater part of the Assistants, may upon urgent occasion call a General Court at any time; But no General Court shall be dissolved or adjourned, without the consent of the Major part thereof.

L. 1. P. 36.

24. Power to call a General Court Not to be dissolved but by consent

6. It is Ordered and declared, that the Governour shall have a casting Vote, wheresoever there shall be an *æqui-vote*, in the Courts of Assistants or General Court, & the President, or Moderator in all Courts of Civil Assemblies. [1641]

Governour and President casting vote.

The Court being sensible of the great necessity of maintaining the Authority of Courts and Magistrates;

L. 1. P. 36.
 Reproach Courts
 or Magistrates
 penalty.

Doth Order, That whosoever shall openly or willingly defame any Court of Justice, or the Sentences and Proceedings of the same, or any of the Magistrates, or other Judges of any such Court, in respect of any act or sentence therein passed, and be convicted thereof; shall be punished for the same, by whipping, fine, imprisonment, disfranchisement, or banishment, as the quality or measure of the offence shall deserve.

Offences of the
 members of the
 Court in Court
 now censured.

And if any Magistrate or other member of any Court, shall use any reproachfull or unbecoming speeches or behaviour, towards any Magistrate, Judge, or member of that Court, in the face of the Court; he shall be sharply reproved by the Governour or President of the said Court, and if the quality of the offence be such as shall deserve a further Censure, or if the person so reproved shall reply again without leave; the Court may proceed to punish any such offender, by fine or imprisonment, or may bind him over to the next superiour Court. And if in a General Court, any nuisance shall be amongst the Magistrates, when they are by themselves, it shall be examined and sentenced amongst themselves, if amongst the Deputyes when they are by themselves, it shall be examined and sentenced when they are by themselves, if it be when the whole Court is together, it shall be judged by the whole Court. [1637, 41.]

7. For the better Administration of Justice, and easing of the Country of unnecessary charges and travaile;

L. 1. P. 14.
 Two Courts of
 Assistants.
 their power.

It is Ordered by this Court and the Authority thereof, That there bee two Courts of Assistants yearly kept at *Boston*, by the Governour, or Deputy Governour and the rest of the Magistrates, on the *first Tuesday* of the *first month*, and on the *first Tuesday* of the *seventh month*, to hear and determine all, and onely actions of Appcale from inferiour Courts, all Causes of divorce, all Capital and Criminal Causes, extending to Life, Member or Banishment. And that Justice be not deferred, nor the Country needlesly charged; It shall be Lawfull for the Governour, or in his absence the Deputy Governour (as they shall judge necessary) to call a Court of Assistants for the Tryall of any Malefactor in Capital Causes.

L. 3. P. 5.
 Governour may
 call a Court of
 Assistants

L. 1. P. 14,
15.

County Courts
 who keep them
 how many
 Judges
 their Power.

Also there shall be County Courts held in the severall Countyes, by the Magistrates living in the respective Counties, or any other Magistrates that can attend the same, or by such Magistrates as the General Court shall appoint from time to time; together with such persons of worth, where there shall be need, as shall from time to time be appointed by the General Court (at the nomination of the Freemen of the County) to be joyned in Commission with the Magistrates, so that they may be Five in all, Three whereof may keep a Court, provided there be one Magistrate; Every of which Courts shall have full power to hear and determine all Causes, Civil and Criminal, not extending to Life, Member or Banishment, (which with Causes of divorce, are reserved to the Court of Assistants) and to make and constitute Clerks and other needfull Officers, and to Summon Juryes of Inquest, and Tryals out of the Towns of the County; Provided no Jurors shall be warned from *Salem* to *Ipswich*, nor from *Ipswich* to *Salem* and the times and places for holding the County Courts shall be as followeth

S U F F O L K.

Boston the last tuesday of the second Month,
 The last tuesday of the fifth Month.
 The last tuesday of the eighth Month.
 And the last tuesday of the eleventh Month.

Time and place
 of the County
 Courts.

N O R F O L K.

Salisbury the second tuesday of the second Month
Hampton the second tuesday of the eighth Month.

E S S E X.

Salem the last tuesday of the fourth Month.
 And the last tuesday of the ninth Month.
Ipswich the last tuesday of the first Month.
 And the last tuesday of the seventh Month.

P A S C A T A Q U A

Dover }
Portsmouth } the last tuesday of the fourth Month.

M I D D L E S E X.

Charlstown the third tuesday of the fourth Month,
 And the third tuesday of the tenth Month.
Cambridge the first tuesday of the second Month.
 And the first tuesday of the eighth Month.

T O R K S H I R E.

York the first tuesday of the fifth Month.

H A M P S H I R E.

North-Hampton the last tuesday of the first Month.
Springfield the last tuesday of the seventh Month.

A Judgement acknowledged before any two Magistrates and the Secretary or Clerk of any Court, shall be good in Law, and the Clerks Fee for Recording the same shall be *twelve pence*, and if the Secretary or Clerk be a Magistrate, he with one Magistrate may do it.

L.2.p.7.
 Judgement acknowledged before two Magistrates.

8. For the more speedy dispatch of all Causes which shall concern Strangers, who cannot without prejudice stay to attend the ordinary Courts of Justice;

L.1.p.15.

It is Ordered, That the Governour or Deputy Governour, with any two Magistrates, or when the Governour, Deputy Governour, cannot attend it, that any three Magistrates shall have power upon the request of

Special Court for Strangers

Records of special Courts to be transmitted to the Court of Assistants.

such Stranger, to call a special Court to hear and determine all Causes civil and criminal (triable in any County Court according to the manner of proceeding in County Courts) which shall arise between such Strangers, or wherein any such Stranger shall be party. And all Records of such proceedings, shall be transmitted to the Records of the Court of Assistants, to be entred as trials in other Courts (which shall be at the charge of the party cast or condemned in the case. [1639.]

L. 2. P. 15.
Strangers liberty to sue at any Court.

It is further Ordered that it shall be lawful for any Stranger, upon legal Summons, to enter any Action in any Court of this Jurisdiction, against any person not residing or Inhabitant amongst us.

L. 1. P. 36.

9. For preventing all occasions of partial or undue proceedings, in Courts of Justice and avoiding of jealousies;

Judges related to parties not to give Sentence.

It is Ordered, that in every civil Cause, between Party and Party, where there is between any Judge of the Court, and any of the parties, the Relation of Father and Son, either by Nature or Marriage, Brother and Brother, Uncle and Nephew, Landlord and Tenent in matters of considerable value: Such Judge, though he may have liberty to give reasonable Advice in the case, yet shall have no power to Vote or give Sentence therein; neither shall sit as a Judge, when he shall so plead or give Advice therein. [1635.]

L. 1. P. 16.

Offender to be Judged the next Court.

10. It is Ordered by this Court; that every person, that is to Answer for any criminal Cause, whether in Prison or under Bayle; his Cause shall be heard and determined at the next Court that hath proper cognizance thereof, if it may be done without prejudice of Justice. [1641.]

A 54. P. 2.

In difficult cases Courts may consult with the General Court.

11. Forasmuch as the proceedings of this Court are often hindered by introducing particular cases of a private nature;

It is therefore Ordered, that no Court shall transfer the Cases coming before them, and proper to their cognizance, whether civil or criminal, but if there be difficulty in any case the Court shall state the Question, leaving out the parties Names, and may present the same to the General Court, where it may be resolved; and according to the said resolution of the General Court, the Inferiour Court that presented the Question, shall at their next meeting proceed to Judgement or Sentence. [1654.]

L. 2. P. 4.

County Courts may admit Freemen.

12. Every Court within this Jurisdiction where two Magistrates are present, may admit any Church Members, that are fit to be Freemen, giving them the Oath, and the Clerk of each Court shall certifie their Names to the Secretary at the next General Court. [1641.]

Freemens names to be Recorded.

It is Ordered that the Secretary at the request of all such as are admitted to the freedome of this Colony or any in their behalf, give a true copy out of this Courts Records of their Names by them to be delivered to the Clerks or Recorders of those Courts in the severall Counties to which they do belong, with a copy of the Oath of Freemen as it is now stated, that they may there take their Oathes, &c. [1666.]

Courts Ajournments.

VV Hereas through the extremity of the seasons in this Country, or other accidents that often happen, that Courts of Justice are sometimes put by to the great prejudice of Justice;

This

This Court doth therefore Order, that henceforth it shall be in the power of any one or more of the Magistrates, being present at the time and place where the Court is to be kept, to Adjourn the said Court to some more convenient time, as though the whole Court had been met; and all Jury-men, Witnesses and Parties summoned to attend the Court, either in Civil or Criminal Cases, according to their respective Summons, Obligations, Attachments or other Procefs are hereby bound to such Adjournments, and all proceedings to remain in force as though the ordinary course of time had been attended [1661.]

Courts Adjournments.

C R U E L T Y,

IT is Ordered by this Court, That no man shall exercise any Tyranny or Cruelty towards any Bruit Creatures, which are usually kept for the use of Man. [1641.]

Cruelty.

Death Untimely.

IT is Ordered by this Court and the Authority thereof, that whensoever any Person shall come to any suddain, untimely or unnatural death; some Assistant or the Constable of the Town, shall forthwith Summon a Jury of twelve discreet Men to inquire of the cause and manner of their Death, who shall present a true verdict thereof to some near Assistant, or the next County Court upon their Oath. [1641.]

Untimely death to be inquired by a Jury.

D E B T S by B O O K

ON complaint, and consideration of sundry Inconveniencies both to Creditors and Debtors, through want of reasonable examination and ballancing of Book accompts;

It is Ordered, and by this Court Enacted, that all such Book-debts as are now standing out, or that hereafter shall be made, and that shall not within three years after publication hereof, or within three years after such debt as hereafter shall be made, be accounted for or ballanced with

Book debts to be Ballance within 3 years.

the

the Original Debtor or his Attorney, Agent, Assigne, or other lawful Successor or Substitute, and on Accompt or Ballance thereof, assured by Specialty given for it, or witnessed by subscribing the Debtor or other Accomptants Name to the Creditors Book, or Subscription of the Witnesses to such Accompt, shall not be pleadable in any Court; unless such Book debt shall within the time before limited, be prosecuted or proved in such Court as hath proper cognizance thereof, by Evidence competent and approved by the said Court: And the Evidence there Recorded, and the Record thereof, shall secure the Creditor, his Executors and Assignes, unless the Debtor or his Assignes shall disprove the same, within one year after such proof made, or recovery of the said Debt, if such Debtor, his or her Agent, Attorney, Assigne, Substitute, Executor, Administrator or other lawful successor, be or shall be within this Jurisdiction, or elsewhere, and have due notice from the Creditor thereof.

Deputies for the General Court.

Deputies chosen by paper.

Their power.

Number of Deputies to be four from particular Towns.

A. 53.

Liberty to chuse Deputies dwelling any where in this Jurisdiction.

Deputies may order their own house.

IT is Ordered by this Court and the Authority hereof, that henceforth it shall be lawful for the Freemen of every Town, to chuse (by Papers) Deputies for the General Court; who have liberty to meet together, to confer and prepare such publick business, as by them shall be thought fit to be considered of at the next General Court, who also shall have the full power of all the Freemen deputed to them, for the making and establishing of Laws, granting Lands, and to deal in all other affaires of the Common-wealth, wherein the Freemen have to do, the matter of Election of Magistrates and other Officers onely excepted: wherein every Freeman is to give in his Vote; Provided that no Town shall send more then two Deputies, and no Town that hath not to the number of twenty Freemen shall send more then one Deputy; and such Plantations as have not ten Freemen shall send none, but such Freemen may Vote with the next Town, in the choice of their Deputies, till this Court take further Order. And all Towns that have not more then thirty Freemen, shall be at liberty of sending or not sending Deputies to the General Court. [1636. fe 53.]

2. And the Free men of any shire or town, have liberty to choose such Deputies for the Generall Court, either in their own shire Town, or else where as they judge fittest, so be it they be Freemen, and Inhabiting this Jurisdiction.

And when the Deputies for the severall Towns are met together at any General Court, it shall be lawful for them or the major part of them, to hear and determine any difference that may arise about the Election of any of their Members, and to order what may concern the well ordering of their body.

And because we cannot foresee what variety and weight of occasions may fall into future consideration, and what Counsels we may stand in need of;

It is Ordered that the Deputies of the General Court, shall not at any time be stated and continued but from Court to Court, or at most but for a year, that the Country may have an annual liberty, to do in that case what is most behoofful for the welfare thereof [1641.34.35.]

No Deputies to hold longer then one year

And it is further Ordered, that no man although a Freeman shall be accepted as a Deputy in the General Court, that is unsound in Judgment, concerning the main points of Christian Religion, as they have been held forth and acknowledged by the generality of the Protestant Orthodox Writers; or that is scandalous in his conversation, or that is unfaithful to this Government.

A. 54. p. 3.

Deputies to be Orthodox

And it is further Ordered, that it shall not be lawful for any Freeman to make choice of any such person as aforesaid, that is known to himself to be under such offence or offences specified, upon pain or penalty of five pounds, and the Cases of such persons to be tried by the whole General Court. [1654.]

And henceforth the Constables of each Town, shall return the name of the person or persons chosen by the Freemen to be Deputies for the General Court, and the time for which they are chosen, whether for the first Session or for the whole year. And every Constable that shall faile in his duty herein shall forfeit the sum of twenty shillings, to be paid to the common Treasury; and all persons so chosen as aforesaid, accepting thereof, which shall be absent from the house, during the time of their sitting, without just grounds so judged by the house, shall pay twenty shillings a day for every such defect, and the several returns of each Constable, shall be kept on file by the Clerk of the Deputies untill the Court be ended. [1654.]

Constable to return who are chosen Deputies and for what time.

It is Ordered by this Court and the Authority thereof, that no person who is an usual and common Attorney in any Inferiour Court, shall be admitted to sit as a Deputy in this Court.

Common Attorney no Deputy

DISTRESSE

It is Ordered by this Court and the Authority thereof, that no mans Corn or Hay that is in the field, or upon the Cart, nor his Garden stufte, nor any thing subject to present decay, shall be taken in Distress, unless he that takes it doth presently bestow it where it may not be imbezled, nor suffer spoile or decay, or give security to satisfie the worth thereof, if it comes to any harm. [1641.]

Distress upon Corn or Hay &c

DOWRIES.

FOrasmuch as no provision hath been made for any certain maintenance of Wives after the decease of their Husbands;

Wives to enjoy
the third of
their Husbands
Lands, &c.

It is Ordered by this Court and the Authority thereof, that every Married Woman, (living with her Husband in this Jurisdiction, or other where absent from him with his consent, or through his meer default, or inevitable providence, or in case of Divorce, where she is the innocent party) that shall not before Marriage be estated by way of joynture, in some Houses, Lands, Tenements or other Hereditaments for term of life, shall immediately after the death of her Husband, have Right and Interest by way of Dowry, in and to one third part of all such Houses, Lands, Tenements and Hereditaments, as her Husband was seized of to his own use, either in possession, Reversion or Remainder, in any Estate of Inheritance, (or Frank tenement not then determined) at any time during the Marriage, to have and enjoy for the term of her natural life, according to the Estate of such Husband, free and freely discharged of, and from all Titles, Debts, Rents, Charges, Judgements, Executions and other Incumbrances whatsoever, had, made or suffered by her Husband, during the said Marriage between them, or by any other person claiming by, from or under him, or otherwise, then by some Act or Consent of such Wife signified by writing under her hand, and acknowledged before some Magistrate or others, Authorized thereunto, which shall bar her from any Right or Interest in such Estate. And if the Heir of the Husband or other person Interested, shall not within one Month after lawful demand made, assigne and set out to such Widdow her just third part with conveniency, or to her satisfaction, according to the intent of this Law, then upon a Writ of Dowry, in the Court of that Shire where the said Houses, Lands, Tenements or other Hereditaments shall lye, or in the Court of Assistants, if the same lye in several Shires; her third part or Dowry shall be assigned her, to be set out in several, by Mets and Bounds, by such persons as the same Court shall appoint for that purpose, with all costs and damages sustained; Provided alwayes this Law shall not extend to any Houses, Lands, Tenements or other Hereditaments sold or conveyed away by any Husband *Bona fide*, for valuable consideration before the last of November one thousand six hundred and forty seven. Provided also that every such widdow so endowed as aforesaid, shall not commit or suffer any *strip or waste*, but shall maintain all such Houses, Fences and Inclosures as shall be assigned to her for her Dowry, and shall leave the same in good and sufficient reparation in all respects. [1641.]

L.2. p. 5.

Widdows third
part to be set
out.

Not to suffer
strip or waste.

DROVERS.

IT is Ordered by this Court and the Authority thereof, That if any man shall have occasion to lead, or drive Cattle from place to place that is far

far off, so that they be weary, or hungry, or fall sick or lame, it shall be lawfull to rest and refresh them for a competent time in any open place that is not Corn, Meadow or inclosed for some particular use. [1641.]

ECCESTIACAL.

ALL the People of God within this Jurisdiction, who are not in a Church-way, and be Orthodox in Judgement, and not Scandalous in life, Shall have full liberty to gather themselves into a Church Estate, provided they do it in a Christian way, with the observation of the Rules of Christ revealed in his Word.

Liberty to gather Churches

Provided also, that the General Court doth not, nor will hereafter approve of any such companies of men, as shall joyn in any pretended way of Church-fellowship, unless they shall acquaint three or more Magistrates dwelling next, and the Elders of the Neighbour Churches where they intend to joyn and have their approbation therein.

with approbation of Magistrates & Elders

2. It is further Ordered, that no person being a Member of any Church which shall be gathered without the approbation of the Magistrates and the said Churches, shall be admitted to the freedome of this Common-wealth.

3. Every Church hath free liberty to exercise all the Ordinances of God, according to the Rule of the Scripture.

4. Every Church hath free liberty of Election and Ordination of all her Officers from time to time, provided they be able, pious and Orthodox.

To choose Church Officers.

5. Every Church hath also free liberty of Admission, Recommendation, Dismission and expulsion, or Disposal of their Officers and Members upon due Cause, with free Exercise of the Discipline and Censures of Christ; according to the Rules of the Word.

Members

6. No Injunction shall be put upon any Church, Church officer or Member in point of Doctrine, Worship or Discipline, whether for Substance or Circumstance besides the Institution of the Lord.

No Humane Institutions

7. Every Church of Christ, hath freedome to Celebrate dayes of Fasting and Prayer and of Thanksgiving, according to the Word of God

8. The Elders of Churches and other Brethren and Messengers, have liberty to meet Monthly, Quarterly or otherwise, in convenient Numbers and Places for Conference and Consultation, about Christian and Church Questions and Occasions, provided that nothing be concluded and imposed by way of Authority from one or more Churches upon another, but only by way of Brotherly Conference and Consultation

Elders meeting

9. All Churches also have liberty to deal with any of their Members in a Church way, that are in the hands of Justice; so it be not to retard and hinder the course thereof.

Churches liberty
to deal with
their members

10. Every Church hath liberty to deal with any Magistrate, Deputy of Court or other Officer whatsoever, that is a Member of theirs, in a Church way, in case of apparent and just offence given in their places, so it be done with due observance and respect. But no Church Censure shall degrade or depose any man from any Civil Dignity, Office or Authority he shall have in the Common-wealth.

11. The Civil Authority here established, hath power and liberty to see the Peace, Ordinances and Rules of Christ be observed in every Church, according to his Word as also to deal with any Church-member in a way of Civil Justice, notwithstanding any Church Relation, Office or Interest.

Private meetings

12. Private meetings for Edification in Religion, amongst Christians of all sorts, shall be allowed, so it be done without just offence, for number, time, place and other circumstances. [1641.]

L. 2. p. 7

13. The Treasurer of the Country, shall defray the charges of the Elders of our Churches when they are employed by special Order of the General Court. [1642.]

A. 58.

Constant preach-
ers to be with-
out censure.

Whereas it is the duty of the Christian Magistrate to take care the People be fed with wholesome and sound Doctrine, and in this hour of temptation wherein the Enemy designeth to sow corrupt seed. Every company, cannot be thought able or fit, to judge of the Gospel qualifications required in the publick dispensers of the Word, and all Societies of Christians are bound to extend Order and Communion of Churches, considering also the rich blessing of God, flowing from the good agreement of the Civil and Church-estate, and the horrible mischiefs and confusions that follow on the contrary;

It is therefore Ordered, that henceforth no person shall publicly and constantly Preach to any company of People, whether in Church Society or not, or be Ordained to the Office of a Teaching Elder, where any two Organick Churches, Council of State, or General Court shall declare their dissatisfaction thereof, either in reference to Doctrine or Practise, the said Offence being declared to the said company of People, Church or Person, untill the Offence be orderly removed; and in case of Ordination of any Teaching Elder, timely notice thereof shall be given unto three or four of the neighbouring Organick Churches, for their approbation. [1658]

14. Forasmuch as the open contempt of Gods Word, and Messengers thereof, is the desolating sin of Civil State and Churches;

It is Ordered, that if any Christian (so called) within this Jurisdiction, shall contemptuously behave himself, towards the Word Preached, or the Messengers thereof, called to dispense the same in any Congregation, when he doth faithfully execute his service and Office therein, according to the Will and Word of God; either by interrupting him in his Preaching, or by charging him falsely with any Error, which he hath not taught in the open face of the Church, or like a son of Korah, cast upon his true Doctrine, or himself any Reproach to the dishonour of the Lord Jesus who hath sent him, and to the disparagement, of his holy Ordinance, and making Gods wayes contemptible and ridiculous: that every such person or persons (whatsoever censure the Church may pass) shall for the

Open opposers
of the word.

first Scandal be convented and reprov'd openly by the Magistrate at some Lecture, and bound to their good behaviour.

And if a second time they break forth into the like contemptuous carriages, they shall either pay five pounds to the publick Treasury, or stand two hours openly upon a Block or Stool, four foot high, on a Lecture day, with a paper fixed on his breast, written in Capital Letters,

AN OPEN AND OBSTINATE CONTEMNER OF
GODS HOLY ORDINANCES,

that others may hear and be ashamed of breaking out into the like wickedness. [1646.]

And every Christian as aforesaid, that shall go about to destroy or disturb the Order and Peace of the Churches established in this Jurisdiction, by open renouncing their Church estate, or their Ministry, or other Ordinances dispensed in them, either upon pretence that the Churches were not planted by any new Apostle, or that Ordinances are for carnal Christians, or for Babes in Christ, and not for spiritual or illuminated persons, or upon any other such like groundless conceit; every such person who shall be found culpable herein, after due means of conviction, shall forfeit to the publick Treasury, forty shillings for every month, so long as he shall continue in that his obstinacy. [1646.]

L. 2. p. 5.

Disturbers of
order and peace
of Churches pe-
nally.

15. *Wherenever the Ministry of the Word is Established, according to the Order of the Gospel throughout this Jurisdiction;*

Every person shall duely resort and attend thereunto respectively on the Lords dayes, and upon such publick Fast dayes, and dayes of Thanksgiving, as are to be generally observed by appointment of Authority. And if any person within this Jurisdiction shall without just and necessary cause, withdraw himself from the publick Ministry of the Word, after due means of conviction used, he shall forfeit for his absence from every such publick meeting *five shillings*. And all such offences may be heard and determined from time to time, by any one or more Magistrates. [1646.]

Absence from
Meeting

16. *To the end there may be convenient Habitations for the Ministers of the Word;*

It is Ordered, that the Inhabitants of every Town, shall take care to provide the same, either by hiring some convenient House, for the use of the present Minister, or by compounding with him, allowing him a competent and reasonable sum to provide for himself, so long as he shall continue with them, or by building or purchasing an house for the Minister and his successors in the Ministry, as the major part of the said Inhabitants shall agree. And the particular sums assessed upon each person by a just Rate, shall be collected and levyed as other Town Rates,

Ministers houses
how to be pro-
vided for

17. *That there may be a settled and encouraging maintenance of Ministers in all Towns and Congregations within this Jurisdiction.*

A. 54. p. 10.

It is Ordered, that the County Court in every Shire, shall upon information given them of any defect, of any Congregation or Town within the Shire, order and appoint what maintenance shall be allowed to the Minister of the place, and shall issue out warrants to the Select men to assess the Inhabitants, which the Constable of the said Town shall collect and levy as other Town Rates. And it is hereby Declared to be our intention that an honourable allowance be made to the Minister, respecting the ability of the place, and

Provision for
Ministers main-
tenance

If any Town shall finde themselves burdened by the Assessments of the County Court, they may complain to the Court, which will at all times be ready to give just release to all men. [1574.]

IT being the great duty of this Court, to provide that all Places and People within our Gates be supplied of an able and faithful Minister of Gods Holy Word;

Provision for an able Ministry.

Be it therefore Ordered and Enacted by this Court and the Authority thereof, That the County Courts in their respective precincts, do diligently and carefully attend the execution of such Orders of this Court, as concerns the maintenance of the Ministry, and the purging of their Towns and Peculiars from such Ministry and publick preachers as shall be found vicious in their lives, or perniciously Heterodox in their Doctrine; and for all places destitute of an able and faithful Ministry, that they use their best endeavour for the procuring and setting of such faithfull Labourers in Gods Vineyard, and that the charges of their procuring, and setting, be leyed on the Inhabitants, as the Law for maintenance of Ministers directs; and that for the future there may be no neglect hereof: the Presidents of each County Court, shall duely from time to time give it in charge to the Grand-juries of their respective Courts, to present all abuses and neglects of this kinde, and that with all care and diligence the same be redressed, that so the Name of the Lord our God being known in our dwellings, and exalted in our gates, he may still delight in us, to continue his favourable presence with us, and our unpareld enjoyments both temporal and spiritual, which through the rich mercy of God in Christ hitherto we have enjoyed, and not be provoked through our prophane slighings and despising thereof, to bereave us and our posterities of such choice Mercies. [1660.]

WHereas the Christian Magistrate is bound by the Word of God to preserve the Peace, Order or Liberty of the Churches of Christ, and by all due means to promote Religion in Doctrine and Discipline, according to the Word of God; and whereas by our Law, tit. Ecclesiastical, Sect. 4.

Choice of Church Officers.

It is Ordered and Declared, that every Church hath free liberty of Calling, Election and Ordination of all her Officers, from time to time, provided they be able, pious, and Orthodox: For the better explanation of the said Law, and as an addition thereunto, this Court doth Order and Declare, and be it hereby Ordered and Enacted, that by the Church, is to be meant, such as are in full Communion only; and that the teaching Officer or Officers of such Church or Churches, we do intend shall be the Minister or Ministers to all the People in that Town where such Church or Churches are planted; and that no Inhabitant in any Town shall challenge a right unto, or act in the Calling or Election of such Officer or Minister, until he be in full communion, upon the penalty of being accounted a disturber of peace and order, and to be punished by the Court of that Shire, either by Admonition, Security for the good Behaviour, Fine, or Imprisonment, according to the quality and degre of the offence.

ELECTIONS.

IT is Ordered by this Court and the Authority thereof, that for the year ly chusing of Assistants, the Freemen shall use Indian Corn and Beans, the Indian Corn to manifest Election, the Beans contrary; and if any Freeman shall put in more then one Indian Corn or Bean, for the choice or refusal of any publick Officer, he shall forfeit for every such offence, ten pounds, and that any man that is not free, or hath not liberty of voting, putting in any vote, shall forfeit the like sum of ten pounds. [1643.]

Election by Indian Corn and Beans.

None but Freemen to put in votes.

2. For the preventing many inconveniences, that otherwise may arise upon the yearly day of Election, and that the work of that day may be the more orderly, easily and speedily issued;

It is Ordered by this Court and the Authority thereof; that the Freemen of this Jurisdiction, which shall not personally appear at Boston, to give in their votes on the day of Election, shall and may in their several Towns, from time to time give in their votes for Elections, before their Deputy and the Constable, who shall take them and Seal them up in distinct papers, and send them to the Court of Elections, all the Assistants to be chosen by Indian Corn and Beans, as abovesaid.

Elect. by proxy sent, sealed up

The Governour, Deputy Governour, Major General, Treasurer, Secretary, and Commissioners of the United Colonies, by writing the names of the persons Elected, in papers open, or once foulded, not twisted nor rowled up, that they may be the sooner perused. And such small villages as send no Deputies, the Constable thereof, with two or three of the chief Freemen shall receive the votes of the rest of the Freemen, and deliver them together with their own sealed up, to the Deputy of the next Town, who shall carefully convey the same unto the said Court of Election. [1647.]

Elect. o Govern. &c. by papers

3. Forasmuch as the choice of Assistants or Magistrates yearly, is of great concernment, and with all care and circumspection to be attended;

L. 2. p. 10.

It is Ordered by this Court and the Authority thereof, that the Constables of every Town within this Jurisdiction, shall call together all their Freemen some day in the second week of the first Month yearly to give in their votes in distinct papers for such persons (being Freemen and resident within this Jurisdiction, as well the Magistrates in present being as others) whom they desire to have chosen for Magistrates or Assistants at the next Court of Election, not exceeding the number of eighteen, and no Freeman shall put in above one vote for one person, under the penalty of ten pounds for every offence.

A. 52. p. 15.

Nomination of Magistrates to Towns.

And the said Freemen (so met together) or the major part of them, shall then and there appoint one to carry their votes sealed up unto their Shire Towns, upon the last fourth day of the week in the first Month following, at twelve of the clock from time to time, which persons for each Town so assembled, shall appoint one of themselves as a Commissioner of each Shire, to carry them to Boston the second third day of the second Month, there to be opened and perused in the presence of one or two Magistrates (if they be in Town) if otherwise, by those persons that

A. 58.

Votes to be sent to the Shire Town.

Commissioner of the Shire to return the names of the persons nominated to the Constables

Old Magistrates to be first put to Election.

brought them at the Court House in *Boston*, or such other place as the Commissioner of *Suffolk* shall appoint; and those eighteen that have most Votes, shall be the men (and they only) which shall be nominated at the Court of Election for Magistrates or Assistants as aforesaid, and the said Commissioner of each Shire, shall forthwith signify to the Constable of the several Towns within their County, in writing under their hands, the names of those eighteen persons aforesaid, all which the Constable in each Town shall timely signify to their Freemen. And as any have more Votes then other, so shall they be nominated for Election, except such of the eighteen who were Magistrates the year before, who shall have precedence of all others in nomination on the day of Election. And if any person be trusted in this Order, shall fail in the discharge of their trust, shall forfeit *ten pounds*. [1649.]

Freemen to chose all general Officers

4. It is Declared by this Court, to be the constant liberty of the Freemen of this Jurisdiction, to chuse yearly at the Court of Election out of the Freemen, all the General Officers of this Jurisdiction, and if they please to discharge them at the Court of Election, by way of Vote, they may do it without shewing cause; but if at any other General Court, we hold it due Justice that the reason thereof be alleaged and proved. By General Officers we mean our *Governour, Deputy Governour, Assistants, Treasurer, Major General, Admiral at Sea, Commissioners for the United Colonies, Secretary of the General Court*, and such others as are, or hereafter may be of like General nature. [1641.]

WHercas it is found by experience, that there are many who are Inhabitants of this Jurisdiction, who are Enemies to all Government, Civil and Ecclesiastical, who will not yield Obedience to Authority, but make it much of their Religion to be in opposition thereto, and refuse to bear Arms under others, who notwithstanding combine together in some Towns, and make Parties suitable to their designs, in Election of such persons according to their ends;

Persons exempt from voting in Elections

It is therefore Ordered by this Court and the Authority thereof, that all persons, *Quakers* or others, which refuse to attend upon the publick Worship of God here Established; that all such persons whether Freemen or others, acting as aforesaid, shall, and hereby are made incapable of Voting in all civil Assemblies during their obstinate persisting in such wicked wayes and courses, and until certificate be given of their Reformation.

And it is further Ordered, that all those Fines and Mulcts of any such Delinquents as aforesaid, which are not gathered nor paid to the several Treasurers of the Counties, as also what Fines shall be laid on them for the future, shall be delivered by the Order of the County-Treasurers respectively to the Select men of the several Towns whereunto they belong, to be by them improved for the poor of the Town.

ESCHEATS.

IT is Ordered by this Court and the Authority thereof, that where no Heir or owner of Houses, Lands, Tenements, Goods or Chattels can be found, they shall be seized to the publick Treasury, till such Heirs or Owners shall make due claim thereto, unto whom they shall be restored upon just and reasonable terms. [1646.]

FARMS.

IT is Ordered by this Court and the Authority thereof, that all farms which are within the bounds of any Town, shall henceforth be of the same Town, in which they lye, except *Meadford*. [1641.]

Faires and Markets.

IT is Ordered by the Authority of this Court, that there shall henceforth be a Market kept at *Boston* in the County of *Suffolk*, upon the fifth day of the week from time to time. *Boston.*

And at *Salem* in the County of *Essex*, upon the fourth day of the week from time to time. *Salem.*

And at *Lyn* on the third day of the week from time to time. *Lyn.*

And at *Charlstown* in the County of *Middlesex* upon the sixth day of the week from time to time. *Charlstown.*

It is also Ordered and hereby Granted to *Boston* aforesaid, to have two *Fairs* in a year; on the first third day of the third Month, and on the first third day of the eighth Month, from year to year to continue for two or three dayes together.

Also to *Salem* aforesaid, to have two *Fairs* in a year, on the last fourth day of the third Month, and the last fourth day of the seventh Month from year to year. *L. 2. p. 5.*

Also to *Watertown*, in the County of *Middlesex*, two *Fairs* in a year, on the first sixth day of the fourth Month, and the first sixth day of the seventh Month. *Watertown.*

Also to *Dorchester*, in the County of *Suffolk*, two *Fairs* in a year, on the fourth third day of the first Month, and the last fourth day of the eighth Month, from year to year. [1633, 34, 36, 38, 48.]

FERRIES.

F O P settling all common Ferries in a right course, both for the Passengers and Owners;

Men may pass
Ferries in their
own Boats

It is Ordered by this Court and the Authority thereof, That whosoever hath a Ferry granted upon any passage, shall have the sole liberty for transporting Passengers, from the place where such Ferry is granted, to any other Ferry place, where Ferry Boats use to land; and any Ferry Boat that shall land Passengers at any other Ferry, may not take Passengers from thence, if the Ferry Boat of that place be ready; Provided this Order shall not prejudice the liberty of any that do use to pass in their own or neighbours Cannoos or Boats to their ordinary labour or business. But no Ferry man shall carry over the water any Passengers in a Cannoo, but in case of necessity, and upon his own desire, under the pain of forfeiture of the Cannoo or the value thereof to the Treasury.

L. 2. p. 7.

Ferry men not
to carry in can-
noos

And at Wamouth Ferry, every single person shall pay for his Passage two pence.

And all Ferry men are allowed to take double pay at all common Ferries after day light is done, and those that make not present pay, being required, shall give their names in wrighting, or a pawn to the Ferry men, or else he may complain of any such to a Magistrate for satisfaction.

Magistrates and
Deputies do pass
free

And it is Ordered, that all Magistrates, and such as are, or from time to time shall be chosen Deputies of the General Court, with their necessary attendance, viz. a Man and a Horse at all times, during the time of their being Magistrates or Deputies (but not their Families) shall be Passage-free over all Ferries, that pay no Rent to the Country.

2. And for the preventing of danger in the Passing at Common Ferries;

None to enter
the Ferry Boat
without leave of
the Ferry men
Magistrates, De-
puties or Elders

It is Ordered, That no person shall press or enter into a Ferry Boat contrary to the Will of the Ferry man, or of the most of the Passengers first entred upon pain of ten shillings for every such attempt.

And that every Ferry man that shall permit or allow any person to come into his Boat, against the will of any of the Magistrates or Deputies, or any of the Elders shipped in such Boat, or the greater part of the Passengers in the said Boat, shall forfeit for every person so admitted or received, against such their will so declared, the sum of twenty shillings.

And it shall be in the power of any of the Ferry men, to keep out, or put out of his Boat, any person that shall press, enter into, or stay in any such Ferry Boat, contrary to this Order.

Men pass as they
come except
publick persons.

And it is further Ordered, that all persons shall be received into such Ferry Boats according to their coming first or last, only all publick persons, or such as go upon publick or urgent occasions, as Physicians, Chyrurgeons and Midwives, and such other as are called to Womens Labours, such shall be transported with the first. [1641, 44, 46, 47.]

FINES.

IT is Ordered by this Court and Authority thereof, that every Offender fined for the breach of any Penal Law, shall forthwith pay his or their Fine or Penalty, or give security speedily to do it, or be imprisoned, or kept to work till it be paid, unless the Court or Judge that imposed the Fine, see cause to respite the same; And in all Courts, where any Fine or Fines or other Sums of Money shall be assessed or received; And also when any Magistrate or Commissioner, shall assess any Fines, or receive any Sum, for the use of the Country, by virtue of any special Order, the Secretary or Clerk of each Court, and every such Magistrate and Commissioner, shall within fourteen dayes, send a Transcript or Note of the said Fines and other dues to the Treasurer of the Country or County to whom it doth belong, who shall forthwith give warrant to the Marshall to collect and levy the same: And if no goods can be found to satisfie such Fine or other dues, the Marshall shall Attach the Body of such persons, and imprison them till satisfaction be made; Provided that any Court of Assistants or County Court, may discharge any such person from imprisonment, if they be unable to make satisfaction. [1638, 46.]

L. 1. p. 38.

Fines to be paid presently

L. 2. p. 7.

Clerk to return all Fines to the Treasurer in fourteen dayes

L. 1. p. 22.

Marshall to Attach the body where Goods are not, &c.

Firing and Burning.

IT is Ordered by this Court and Authority thereof, that whosoever shall kindle any Fires in the Woods, or Grounds lying in Common, or inclosed, so as the same shall run into Corn grounds or Inclosures before the tenth day of the first Month, or after the last of the second Month, or on the last day of the Week, or on the Lords day, shall pay all damages, and half so much for a Fine, or if not able to pay, then to be Corporally punished, by warrant from one Magistrate, or the next County Court, as the offence shall deserve, not exceeding twenty stripes for one offence. Provided that any man may kindle fire in his own ground so as no danger come thereby, either to the Country or to any particular person; and whosoever shall wittingly and willingly burn or destroy any Frame, Timber, Hewed, Sawen or Riven Heaps of Wood, Charcoal, Corn, Hay, Straw, Hemp or Flax, he shall pay double damages.

if fire of ground when the fire, when forbidden.

2. Whereas some dwelling Houses, and other Houses within this Jurisdiction, have been set on Fire, and the means or occasion thereof not discovered, though some persons have been vehemently suspected to have been instrumental therein: The Court taking into consideration the danger of such a wicked practise, especially in Towns where the Houses are near adjoining, and there being no Law yet provided for the punishment of so vainous a crime;

A. 52. p. 11.

Doth therefore hereby Order, and be it Enacted by the Authority of this

this Court, that any person or persons whatsoever, of the age of sixteen years and upward, that shall after the publication hereof, wittingly and willingly set on fire any *Barn, Stable; Mill, out House, Stack of Wood, Corn or Hay*, or any other thing of like nature, shall upon due conviction by testimony or confession, pay double damages to the party damnified, and be severely whipt.

Burning Houses.

And if any person of the age aforesaid, shall after the publication hereof, wittingly, and willingly, and feloniously, set on fire any *Dwelling House, Meeting House, Store House*, or shall in like manner, set on fire any *out-House, Barn, Stable, Leanto, Stack of Hay, Corn or Wood*, or any thing of like nature, whereby any *Dwelling House, Meeting House or Store House*, cometh to be burnt, the party or parties vehemently suspected thereof, shall be apprehended by Warrant from one or more of the Magistrates, and committed to Prison, there to remain without Baile, till the next Court of Assistants, who upon legal conviction by due proof, or confession of the Crime, shall adjudge such person or persons to be put to death, and to forfeit to much of his Lands, Goods or Chattels, as shall make full satisfaction, to the party or parties damnified. [1652.]

Capital.

Fish. Fishermen.

VV *Hereas it hath been a custome for ferreign Fishermen to make use of such Harbours and Grounds in this Country, as have not been Inhabited by English men; and to take Timber and Wood at their pleasure for all their occasions, yet in these parts which are now possessed, and the Lands disposed in proprieties, unto severall Towns and Persons, by the Kings Graunt, under the great Seal of England;*

Repealed.

pag. J. 1651.

It is Declared; That it is not Lawfull for any Person, either Fisher-man or other, either Forreigner or of this Country, to enter upon the Lands so appropriate to any Town or Person, or to take Wood or Timber in any such place, without the Licence of such Town or Proprietor, and if any person shall Trespafs herein, the Town or Proprietor so injured, may take their remedy by action at Law, or may preserve their goods or other interest, by opposing Lawfull force against such unjust violence; Provided that it shall be lawfull for such Fishe men as shall be imployed by any Inhabitants of this Jurisdiction, in the severall seasons of the year, to make use of any of our Harbours, and such Lands as are near adjoyning for the drying of their Fish or other needful occasions, as also to have such Timber and Fire wood, as they shall have necessary use of for their Fishing-seasons where it may be spared, so as they make due satisfaction for the same to such Town or Proprietor. [1646.]

2. *Whereas much Damage hath arisen to Merchants trading hence, by bad making of Fish, and the credit of our Trade therein hath much suffered;*

*A. 52. p. 7,
10.*

It is therefore Ordered, That at every fishing place within this Jurisdiction, some discreet and honest person be appointed by the County Court, unto which such Fishing place doth belong, and those persons so nominated
and

and appointed, are by this Court impowred to give Oath unto such persons as shall be chosen by the deliverers and receivers of any Fish, who have liberty hereby, either of them, to chuse one or more sufficient knowing men in such cases, to view what Fish is delivered and received; which viewers shall be sworn as aforesaid, and what they approve of as Merchantable, the receiver shall accept, and what is Refuse Fish shall be cast by, and the said viewers for their labour and pains aforesaid, shall be allowed *one penny per Quintal* for so much Merchantable Fish as he or they shall view, to be paid one half by the deliverer, and the other half by the receiver:

Sworn viewers
of Fish at
Fishing places

And for further direction to the viewers in tryal of Fish;

It is hereby Ordered, That all Sun burnt, salt burnt and Dry Fish, that hath been first pickled, shall be judged un-Merchantable.

FOR the Explanation of an Order bearing date, 1646. and the Repealing of the same, 1667 For giving a liberty to Fishermen, according to a Reservation in the Patent, to cut down Wood for Flakes or Stage and other uses about their Fishing imploy, that it is intended only in that Order to give liberty to such as are Strangers, and come only to make Fishing Voyages, and not to Fishermen that are Inhabitants, who are not to trespass upon any person in their propriety, but are liable to make satisfaction with damages as in any other Action of Tre pass, no way restraining Fishermen in Common Lands, any Law, Custome or Usage to the contrary notwithstanding.

Fishermens
liberty to cut
flakes regulated

IT is Ordered by this Court and the Authority thereof, that no man shall henceforth kill any Cod fish, Hake, Haddock or Polluck, to be dried for sale in the Month of *December* or *January*, because of their spawning time, nor any Mackrell to Barrel up in the Month of *May* or *June*, under penalty of paying *five shillings* for each Quintal of Fish, and *Five shillings* for each Barrel of Mackrell; nor shall any Fisherman eat the Garbage of the Fish the catch over board at or near the Ledges or Grounds where they take the Fish; nor shall any of the Boats crew refuse or neglect to obey the Order of the Master of the Vessel to which they belong, for the times and seasons of Fishing; nor shall they take or drink any more Strong Liquors then the Master thinks meet to permit them; the breach of these three last being under the penalty of *Twenty shillings* for the first Offence; for the second *forty shillings*; for the third *three Months Imprisonment*, one third part of the aforesaid Fines to the Informer proving the same. [1668.]

No Fish to be
killed when they
go to Spawne.

THIS Court being informed, that the taking of Mackrel at unreasonable times do greatly diminish their increase, and will in the issue tend to the spoil of the Trade thereof;

To prevent damage by unseasonable killing of Mackerel.

Do Order and Enact, That henceforth no *Mackrell* shall be caught, except for spending whilst fresh, before the first of *July* annually, on penalty of the loss of the same; the one half to the Informer, and the other half to the use of the Country. And any Magistrate or County Court is impowred to act herein to all intents and purposes, for the execution of this Law.

WHereas by the blessing of God, the Trade of Fishing hath been advantageous to this Country, which is like to be much impaired by the use of *Turtooda's Salt*, which leaves spots upon the Fish, by reason of Shells and Trash in it: For prevention thereof;

To prevent damage by salting Fish with *Turtooda's Salt*.

This Court doth Order, and be it hereby Enacted, That all such Fish that is salted with *Turtooda's Salt*, and thereby spotted as abovesaid, shall not be accounted for Merchantable Fish: and all sworn Cullers of Fish are hereby required to have special regard to the fulfilling of this Order, any Law or Custome to the contrary notwithstanding.

FORGERY.

IT is Ordered by this Court and the Authority thereof, That if any person shall forge any Deed or Conveyance, Testament, Bond, Bill, Release, Acquittance, Letter of Attorney, or any Writing, to pervert Equity and Justice; he shall stand in the Pillory, three several Lecture dayes, and render double damages to the party wronged, and also be disabled to give any Evidence or Verdict to any Court or Magistrate. [1646.]

FORNICATION.

IT is Ordered by this Court and the Authority thereof; That if any Man Commit Fornication with any single Woman, they shall be punished, either by enjoyning Marriage, or Fine, or Corporal punishment, or all, or any of these, as the Judges of the Court that hath Cognizance of the Cause shall appoint. [1642.]

THere being a seeming contradiction between the Laws tit. *Fornication*, and tit. *Punishment*;

This Court doth Declare, That the former referring to a particular Crime, a shameful Sin, much increasing amongst us, to the great dishonour of

of God, and our profession of his Holy Name, the punishment of that Sin shall be as is prescribed in the said Law, any thing that may seem to restrain or limit the same, contained in the other Law, *tit.* Punishment, notwithstanding, And in case any person legally convicted of that or any other shameful and vicious Crime, be a Freeman; it shall be in the liberty and power of the Court that hath the proper cognizance thereof, besides any other Penalty or Punishment, to adde Disfranchisement thereto. [1665.]

VV Hereas there is a Law provided by this Court for punishing of Fornicators, but nothing as yet for the easing of Towns, where Bastards are born, in regard of the poverty of the Parent or Parents of such Children sometimes appearing, nor any Rule held forth touching the reputed Father of a Bastard for legal conviction;

It is therefore Ordered, and by this Court Declared, that where any man is legally convicted to be the Father of a Bastard childe, he shall be at the care and charge to maintain and bring up the same, by such Assistance of the Mother as nature requireth, and as the Court from time to time (according to circumstances) shall see meet to Order: and in case the Father of a Bastard, by confession or other manifest proof, upon trial of the case, do not appear to the Courts satisfaction, then the Man charged by the Woman to be the Father, shee holding constant in it, (especially being put upon the real discovery of the truth of it in the time of her Travail) shall be the reputed Father, and accordingly be liable to the charge of maintenance as aforesaid (though not to other punishment) notwithstanding his denial, unless the circumstances of the Case and Pleas be such, on the behalf of the Man charged, as that the Court that hath the cognizance thereof shall see reason to acquit him, and otherwise dispose of the Childe and Education thereof; Provided alwayes, in case there be no person accused in the time of her Travail, it shall not be available to abate the conviction of a reputed Father; any Law, Custome or Usage to the contrary notwithstanding.

The reputed Father of a Bastard to maintain it.

Freemen. Non Freemen.

TO the end the Body of the Freemen may be preserved of honest and good men;

L. 2. p. 8.

It is Ordered, That henceforth no man shall be admitted to the Freedom of this Common-wealth, but such as are Members of some of the Churches within the limits of this Jurisdiction;

None but Church-members to be Freemen.

And whereas many Members of Churches to exempt themselves from publick service, will not come in to be made Freemen;

It is Ordered, that no Members of Churches within this Jurisdiction, shall be exempt from any publick service they shall be chosen to by the Inhabitants of the severall Towns, as Constables, Jurors, Select men, Surveighors of the High-wayes, and if any such person shall refuse to serve in, or take upon him any such Office, being legally chosen thereunto, he

shall pay for every such refusal, such fine as the Town shall impose, not exceeding twenty shillings for one offence. [1647.]

Repealed.

T His Court having considered of the proposals presented to this Court by several of the Inhabitants of the County of Middlesex;

Do Declare and Order, That no Man whatsoever, shall be admitted to the Freedom of this Body Politick, but such as are Members of some Church of Christ and in full Communion, which they declare to be the true intent of the ancient Law, page the eighth of the second Book, Anno. 1631. [1660.]

Admission of
Freemen.

IN Answer to that part of his Majesties Letter of June 28. 1662. concerning admission of Freemen;

This Court doth Declare, That the Law prohibiting all persons, except Members of Churches, and that also for allowance of them in any County Court, are hereby Repealed.

And do also Order and Enact, That from henceforth all English men, presenting a Certificate under the hands of the Ministers or Minister of the place where they dwell, that they are Orthodox in Religion, and not vicious in their lives, and also a Certificate under the hands of the Select Men of the place, or of the major part of them, that they are Freeholders, and are for their own proper estate (without heads of persons) rateable to the Country in a single Country Rate, after the usual manner of valuation in the place where they live, to the full value of ten shillings, or that they are in full Communion with some Church among us; It shall be in the liberty of all and every such person or persons, being twenty four years of age, House holders and settled Inhabitants in this Jurisdiction, from time to time to present themselves and their desires to this Court for their admittance to the Freedom of this Common-wealth, and shall be allowed the priviledges to have such their desire propounded, and put to vote in the General Court, for acceptance to the Freedom of the Body politick, by the suffrage of the major part, according to the Rules of our Patent. [1664.]

County Court to
give the Oath of
Freedom

FOrasmuch as several persons who from time to time are to be made Freemen live remote, and are not able without great Trouble and charge to appear before this Court, to take their respective Oathes;

It is therefore Ordered, that henceforth it shall be in the power of any County Court to Administer the Oath of Freedom to any persons approved of by the General Court, who shall desire the same, Any Law or Custome to the contrary notwithstanding. [1664.]

Gallop^{ing} in Boston streets.

WHereas it appears, that notwithstanding such wholesome Orders as have been hitherto made by the Select men of Boston, provided for the restraint of all persons from violent Riding in the streets of the said Town: yet nevertheless, many take the liberty and boldness to Gallop frequently therein, to the great endangering the Bodies and Limbs of many Persons especially Children, who are ordinarily abroad in the streets, and not of age or discretion suddenly to escape such danger. This Court having seriously considered the Premises, being careful to prevent a practise that is like to be of such dangerous consequence;

Do Order, That no person whatsoever, shall after the publication hereof, Gallop any Horse within any the streets of the said Town, upon penalty of forfeiting three shillings and four pence for every such offence, upon conviction before any one Magistrate or Commissioner of Boston, to be paid to the Treasury of the County of Suffolk, unless it appear on extreme necessity.

Penalty for Gallop^{ing} in Boston Streets

Gaming and Dancing.

UPon complaint of the disorders, by the use of the Games of Shuffle-board and Bowling, in and about Houses of Common-entertainment, whereby much precious time is spent unprofitably, and much waste of Wine and Beer occasioned;

L. 2. p. 8.

It is Ordered by this Court and the Authority thereof, That no person shall henceforth use the said Games of Shuffle board, or Bowling, or any other Play or Game, in or about any such House.

No Gaming in Ordinaries.

Nor in any other House used as common for such purpose, upon pain for every keeper of such House to forfeit for every such offence twenty shillings, and every person playing at the said Game, &c. in or about any such House, shall forfeit for every such offence five shillings.

Nor shall any person at any time Play or Game for any Money or Money worth, upon penalty of forfeiting treble the value thereof, one half to the party informing and the other half to the Treasury; nor shall any person be an Abettor to any kinde of Gaming on the like penalty.

No Gaming for money.

Nor shall there be any Dancing in Ordinaries upon any occasion, on the penalty of five shillings for every person that shall offend; and any Magistrate may hear and determine any offence against this Law. [16. 76, 47, 51.]

No Dancing in Ordinaries.

For preventing disorders arising in several places within this Jurisdiction, by reason of some still observing such Festivals, as were Superstitiously kept in other Countries, to the great dishonour of God and offence of others;

A. 5. p. 3.

It is therefore Ordered by this Court and the Authority thereof, that

And

who-

Penalty for
keeping Christ-
mas

whosoever shall be found observing any such day as Christmas or the like, either by forbearing labour, feasting, or any other way upon any such account as aforesaid, every such person so offending, shall pay for every such offence *five shillings* as a fine to the County.

And whereas not only at such times but several other times also, it is a custome too frequent in many places, to expend time in unlawful Games, as Cards Dice, &c.

penalty for play-
ing at Card- and
Dice.

It is therefore further Ordered, and by this Court Declared, That after publication hereof, whosoever shall be found in any place within this Jurisdiction, playing either at Cards or at Dice, contrary to this Order, shall pay as a fine to the County the sum of *five shillings* for every such offence.

WHereas the great sin of Gaming increaseth within this Jurisdiction, to the great dishonour of God, corrupting of Youth, and expending of much precious time and estate: for the preventing of which, and as an addition to the Law, tit. Gaming, &c.

Penalty for
Gaming.

This Court doth Declare, and be it Ordered by the Authority thereof, That what person or persons soever, shall bring into this Jurisdiction any playing Cards or Dice, or with whomsoever such Cards or Dice be found in his or their Custody, he or they shall pay as a fine the sum of *five pounds*, the one half to the Treasurer, the other half to the Informer: But in case any such Cards or Dice shall come into the custody of any person without his knowledge or consent, he shall carry them to the next Magistrate or Commissioner within two dayes after his knowledge of them, to dispose of them as the said Magistrate or Commissioner shall see cause, any such person shall be free from the penalty.

And if any person that hath played or gamed, and shall give Information thereof, he shall be freed from the penalty of the Law to pay treble damage, but shall have no further benefit of the Law by his information.

And also any such persons Testimony shall be good in Law, for one Testimony, against any that shall break this Law.

And it is also Declared, that it is and shall be in the liberty of the Court or Judges that shall determine any such case, to punish the transgressor or transgressors of the Law, by imposing the fine, or otherwise by corporal punishment as they shall judge best; any Law, Usage or Custome to the contrary notwithstanding. [1670.]

Heresie Error.

Although no Humane power be Lord over the Faith and Consciences of Men, yet because such as bring in damnable Heresies, tending to the subversion of the Christian Faith, and destruction of the Souls of men, ought duely to be restrained from such notorious impieties;

It is therefore Ordered and Declared by the Court; That if any Christian within this Jurisdiction, shall go about to subvert and destroy the Christian Faith and Religion, by broaching and maintaining any damnable Heresies: As denying the immortality of the Soul, or resurrection of the Body, or any sin to be repented of in the regenerate, or any evil done by the outward man to be accounted sin, or saying that Christ gave himself a Ransome for our sins, or shall affirm that we are not justified by his death and righteousness, but by the perfections of our own works, or shall deny the Morality of the fourth Commandment, or shall openly condemn or oppose the Baptizing of Infants, or shall purposely depart the Congregation at the administration of that Ordinance, or shall deny the Ordinance of Magistracy, or their lawful Authority, to make War, or to punish the outward breaches of the first Table, or shall endeavour to seduce others to any of the Errors or Heresies abovementioned; every such person continuing obstinate therein, after due means of conviction, shall be sentenced to Banishment. [1646. 44.]

Errors.

L. 1. p. 2.

Anabaptite.

Obstinate to be banished.

2. The Holy Scriptures of the Old and New-Testament, being written by the Prophets, Apostles, and Holy men of God, inspired by the Holy Ghost, containing in them the infallible and whole Will of God, which he purposed to make known to Man-kinde, both for his own Worship and Service, and also for the Instruction, Obedience, Faith and Salvation of Man, which yet by Hereticks in former ages, and now of late, have been opugned and denied so to be, which tends to the overthrow of all true Religion, and Salvation, for the prevention of so heinous a crime;

A. 57. p. 7. 8.

It is Ordered by this Court and the Authority thereof; That what person or persons soever, professing the Christian Religion, above the age of sixteen years, that shall within this Jurisdiction, wittingly and willingly, at any time after the publication of this Order, deny either by Word or Wrihting, any of the Books of the Old Testament, As

Genesis, Exodus, Leviticus, Numbers, Deuteronomy, Iehuc, Judges, Ruth, Sarguel, Samuel, Kings, Kings, Chronicles, Chronicles, Ezra, Nehemiah, Esther, Job, Psalms, Proverbs, Ecclesiastes, Canticles, Isaiah, Jeremiah, Lamentations, Ezekiel, Daniel, Hosea, Joel, Amos, Obadiab, Jonah, Micah, Nahum, Habbakuk, Zephaniab, Haggai, Zechariah, Malachi. Or New, as *Matthew, Mark, Luke, Iohn, Acts, Romans, Corinthians, Corinthians, Galatians, Ephesians, Philippians, Colossians, Thessalonians, Thessalonians, Timothy, Timothy, Titus, Philomoi, Hebrews, Iames, Peter, Peter, Iohn, Iohn, Iohn, Iude, and Revelation.* To be the written and infallible Word of God.

Or if any person as aforesaid, belonging to this Jurisdiction, shall commit the said crime upon the Sea, not being or belonging to the Jurisdiction of any other Common-wealth, shall be forthwith apprehended by the next Officer or Officers, whether Marshal or Constable or their Deputy, who shall have power so to do by warrant from any one of the Magistrates, and shall be committed to the Prison at Boston, without Bale or Mainprize, there to be safely kept till the next County Court, where upon sufficient Testimony brought against the said Delinquent, he shall be adjudged for his offence after legal conviction, to pay such a fine as the Court which shall have cognizance of the crime shall judge meet, not exceeding the sum of fifty pounds, or shall be openly and severely whipt by the executioner, whether Constable or any other appointed, not exceeding forty strokes, unless he shall publickly recant before his Sentence (which if he do) he shall not pay above the fine of ten pounds to the Tiesaurer for the use of the Common-wealth, or be whipt in case he pay not the fine.

Denying the Scriptures to be the word of God

Penalty.

And it is further Ordered and Enacted, That if the said Offender after his Recantation, Sentence or Execution, shall the second time publish, and Obstinately, and Pertinaciously maintain the said wicked Opinion, he shall be Banished or put to Death as the Court shall Judge. [1651.]

A. 54. p. 7.

Muggletons
books to be de-
livered in to
some Magistrate

3. It is Ordered, that all and every of the Inhabitants of this Jurisdiction, that have any of the Books in their Custody, that go under the names of *John Reeves*, and *Lodowick Muggleton* (who pretends themselves to be the two last Witnesses, and Prophets of Jesus Christ) which are full of Blasphemies, and shall not bring or send in all such Books in their Custody to the next Magistrate, shall forfeit the sum of *ten pounds* for every such Book found in his hand, the one half to the Informer, the other half to the Country.

to be burnt.

And as many of the said Books, as are, or shall be in Custody, shall be burnt in the Market place at *Boston*, on the next Lecture day, by the Common Executioner.

A. 56. p. 13.

Quakers

4. Whereas there is a cursed Sect of Hereticks lately risen up in the World, which are commonly called *Quakers*, who take upon them to be immediately sent of God, and infallibly assisted by the Spirit, to speak and write Blasphemous Opinions dissing Government, and the Order of God in Church and Common-wealth, speaking evil of Dignities, reproaching and reviling Magistrates and Ministers, seeking to turn the People from the Faith, and gain Proselytes to their pernicious wayes. The Court considering the premises, and to prevent the like mischief, as by their means is wrought in our Native Land;

Not to be
brought into
this Jurisdiction
by any Master of
Ship on penalty
of 100 pounds

Doth hereby Order, and by the Authority of this Court be it Ordered and Enacted; That no Master or Commander of any Ship Barque, Pinnace, Ketch, or other Vessel, shall henceforth bring into any Harbour, Creek or Cove within this Jurisdiction, any known Quaker or Quakers, or any other Blasphemous Hereticks as aforesaid, upon the penalty of the forfeiture of *one hundred pounds*, to be forthwith paid to the Treasurer of the Country, except it appeareth that such Master wanted true notice or information that they were such, and in that case he may clear himself by his Oath, when sufficient proof to the contrary is wanting.

And for default of payment of the said fine of *one hundred pounds*, or good security for the same, such Master shall be committed to prison, by warrant from any Magistrate, there to continue till the said fine be satisfied to the Treasurer as aforesaid.

Effects that
bring to Quakers
shall carry them
back.

And the Master or Commander of any such Ship or Vessel that shall bring them, being legally convicted, shall give in sufficient security to the Governour or any one or more of the Magistrates, to carry them back to the place whence he brought them, and on his refusal so to do, the Governour or the said Magistrate or Magistrates shall commit such Master or Commander to prison, there to continue till he shall give in sufficient security to the content of the Governour or said Magistrates.

A. 57. p. 26.

And if any person or persons within this Jurisdiction, shall henceforth entertain and conceal any such Quaker or Quakers, or other Blasphemous Hereticks (knowing them to be such) every such person shall forfeit to the Country *forty shillings* for every hours entertainment and concealment of any Quaker or Quakers, &c. as aforesaid, and shall be committed to prison as aforesaid, till the fines be fully satisfied and paid.

5. And every person or persons, that shall incourage or defend any of their pernicious wayes, by speaking, writeing or meeting on the Lords day, or at any other time, shall after due means of conviction incur the penalty infueing, viz. every person so meeting, shall pay to the use of the Country, for every time *ten shillings*, and every one speaking in such meeting, shall forfeit *five pounds*

A. 58.

Incouragers of Quakers their penalty.

6. If any person shall knowingly import into any Harbour of this Jurisdiction, any Quakers Books or Writeings, concerning their damnable Opinions, he shall forfeit for every such Book or Writeing *five pounds*, and whosoever shall disperse or conceal any such Book or Writing, and it be found with him or her, or in his or her House, and shall not immediately deliver the same to the next Magistrate, shall forfeit and pay *five pounds* for dispersing or concealing every such Book or Writing.

Dispersing Quakers Books

penalty 5 pounds

7. And every person or persons whatsoever, that shall revile the Office or person of Magistrates or Ministers, as is usual with the Quakers, such person or persons shall be severely whipt, or pay the sum of *five pounds*.

Reviling of Magistrates or Ministers.

8. And every person that shall publish and maintaine any Hetrodox or erroneous Doctrine, shall be liable to be Questioned and Censured by the County Court where he liveth, according to the merit of his Offence.

A. 53 p. 19. Publishers of Errors

9. Whereas there is a pernicious Sect, commonly called Quakers, lately arisen, who by Word and Writeing, have published and maintained many dangerous and borrid Tenents, and do take upon them to change and alter the received laudable customes of our Nation, in giving civil respect to equals, or reverence to superiours, whose Actions tend to undermine the Authority of Civil Government as also to destroy the Order of the Churches, by denying all established forms of Worship, and by withdrawing from the Orderly Church Assemblies, allowed and approved by all Orthodox Professors of the Truth; and instead thereof, and opposition therunto, frequenting private meetings of their own, insinuating themselves into the minds of the simpler, or such as are less affected to the Order and Government of the Church and Common-wealth, whereby divers of our Inhabitants have been infected and sedueed, notwithstanding all former Laws made, (upon experience of their arrogant bold obtrusions, to disseminate their Principles amongst us) prohibiting their coming into this Jurisdiction, they have not been deterred from their impetuous Attempts to undermine our peace and hasten our ruine;

A. 58.

For prevention thereof, This Court doth Order and Enact, that every person or persons of the cursed Sect of the Quakers, who is not an Inhabitant of, but found within this Jurisdiction, shall be Apprehended (without Warrant, where no Magistrate is at hand) by any Constable Commissioner or Select Man, and conveyed from Constable to Constable until they come before the next Magistrate, who shall commit the said person or persons to close Prison, there to remain without Baile until the next Court of Assistants where they shall have a legal trial by a special Jury, and being convicted to be of the Sect of the Quakers, shall be sentenced to Banishment upon pain of Death.

Quakers to be Apprehended

Imprisoned

And that every Inhabitant of this Jurisdiction, being convicted to be of the aforesaid Sect, either by taking up, publishing and defending the horrid Opinions of the Quakers, or by stirring up Mutiny, Sedition or Rebellion

Banished on pain of death.

Qualification of Quakers

against the Government, or by taking up their absurd and destructive practices, viz. denying civil respect and reverence to Equals and Superiours, withdrawing from our Church Assemblies, and instead thereof frequenting private meetings of their own, in opposition to Church Order, or by adhering to, or approving of any known Quakers that are opposit to the Orthodox received Opinions and Practices of the Godly, and endeavouring to disaffect others to Civil Government and Church Order; and condemning the practise and proceedings of this Court against the Quakers, manifesting thereby compliance with those, whose design is to overthrow the Order established in Church and Common-wealth: Every such person upon examination, and legal conviction before the Court of Assistants in manner as aforesaid, shall be committed to close prison for one Month, and then unless they chuse voluntarily to depart the Jurisdiction, shall give Bond for their good Abbearance and appearance at the next Court of Assistants, where continuing obstinate, and refusing to retract and reform the aforesaid Opinions and Practices shall be sentenced to Banishment upon pain of Death: And in case of the aforesaid voluntary departure, not to remain, or again to return into this Jurisdiction, without the allowance of the major part of the Council first had and published, on penalty of being Banished upon pain of Death, and any one Magistrate, upon information given him of any such person, shall cause them to be apprehended, and if upon examination of the case, he shall according to his best discretion finde just ground for such complaint, he shall commit such person to prison, until he comes to his tryal as is above expressed. [1646.]
1655?

Quakers voluntarily depart, may not return without licence

One Magistrate may commit to prison

THis Court being desirous to try all means, with as much Lenity as may consist with our safety, to prevent the Intrusions of the Quakers, who besides their Absurd and Blasphemous Doctrines, do like Rogues and Vagabonds come in upon us, and have not been restrained by the Laws already provided;

Order against Quakers and Vagabond Rogues.

Have Ordered, that every such Vagabond Quaker, found within any part of this Jurisdiction, shall be Apprehended by any person or persons, or by the Constable of the Town wherein he or shee is taken, and by the Constable or in his absence, by any other person or persons conveyed before the next Magistrate of that Shire wherein they are taken, or Commissioner invested with Magistratical power: And being by the said Magistrate or Magistrates, Commissioner or Commissioners adjudged to be a wandering Quaker, viz. one that hath not any dwelling, or orderly allowance as an Inhabitant of this Jurisdiction, and not giving civil respect by the usual gestures thereof, or by any other way or means manifesting himself to be a Quaker, shall by Warrant under the hand of the said Magistrate or Magistrates, Commissioner or Commissioners, directed to the Constable of the Town wherein he or shee is taken, or in absence of the Constable, to any other meet person, be stripped naked from the middle upwards, and tyed to a Cart's tail, and whipped through the Town, and from thence immediately conveyed to the Constable of the next Town towards the borders of our Jurisdiction, as their Warrant shall direct; and so from Constable to Constable till they be conveyed through any the outwardmost Towns of our Jurisdiction.

And if such Vagabond Quaker shall return again, then to be in like manner Apprehended, and conveyed as often as they shall be found within the Limits of our Jurisdiction; Provided every such wandering Quaker, having

having been three convicted and sent away as above said, and returning again into this Jurisdiction, shall be Apprehended, and Committed by any Magistrate or Commissioner as above said unto the House of Correction within that County wherein he or shee is found, until the next Court of that County; where if the Court judge not meet to release them, they shall be Branded with the Letter *R*. on their left shoulder, and be severely Whipt, and sent away in manner as before.

And if after this, he or shee shall return again; then to be proceeded against as Incurable Rogues and Enemies to the Common Peace, and shall immediately be apprehended, and Committed to the Common Goal of the Country, and at the next Court of Assistants shall be brought to their tryal, and proceeded against according to the Law made *Anno. 1658. pag. 36.* for their punishment on pain of death.

And for such Quakers as shall arise from amongst our selves, they shall be proceeded against as the former Law of *Anno. 1658. pag. 36.* doth provide, until they have been convicted by a Court of Assistants: and being so convicted, he or shee shall then be Banished this Jurisdiction; and if after that they shall be found in any part of this Jurisdiction, then he or shee so Sentenced to Banishment, shall be proceeded against as those that are Strangers and Vagabond Quakers, in manner as is above expressed.

And it is further Ordered, That whatsoever charge shall arise about Apprehending, Whipping, Conveying, or otherwise about the Quakers, to be laid out by the Constables of such Towns where it is expended, and to be repaid by the Treasurer out of the next Country Levy.

And further, that the Constables of the severall Towns are hereby impowred from time to time, as necessity shall require, to Impreis Cart, Oxen, and other Assistants for the Execution of this Order. [1661.]

THis Court heretofore, for some Reasons inducing, did judge meet to suspend the execution of the Laws against Quakers, as such, so far as they respect Corporal punishment or Death, during the Courts pleasure. Now forasmuch as new complaints are made to this Court of such persons abounding, especially in the Eastern parts, endeavouring to draw away others to that wicked Opinion;

-- It is therefore Ordered, that the last Law *tit. Vagabond Quakers, May 1661.* be henceforth in force in all respects; Provided that their Whipping be but through three Towns: and the Magistrate or Commissioners signing such Warrant, shall appoint both the Towns, and number of Stripes in each Town to be given. [1662.]

Order against
Vagabond Quakers
May 1661.
in force.

HIDES and SKINS.

VVHereas some persons more seeking their own private advantage than the good of the Publick, do Transport Raw Hides and Pelts;

It is Ordered that henceforth no person shall deliver aboard any Ship or other Vessel, directly or indirectly, any Raw Hide, Skin, Pelt or Leather unwrought, with intent to have the same transported out of this Jurisdiction, upon pain to forfeit the same or the value thereof

Raw Hides not to be transported.

And that no Master of any Ship or Vessel shall receive any Raw Hides, Skins, Pelts or Leather unwrought, directly or indirectly aboard his Ship or Vessel to be so transported upon the like penalty.

Provided that any Person, Stranger or other, may transport any Hides or Skins brought hither from beyond the Seas by way of Merchandize, or the Skins of Bever, Moos, Bear and Otter. [1646.]

L. 2. p. 3.

2. Upon Information of the neglect of many persons, in not saving such Hides or Skins, as either by casualty or Slaughter come to hand, whereby damage redounds to the Country;

Hides and skins to be preserved.

It is Ordered, that every Hide or Skin shall carefully be dried, before it corrupt, and that such Hides or Skins shall be sent where they may be Tanned or Dressed, and whosoever shall neglect to do as aforesaid, shall forfeit for every such Hide five shillings, and for ever Skin of Calves or small Cattle twelve pence. [1640, 46.]

HIGHWAYES.

TO the end there may be convenient High-ways for Travellers.

It is Ordered by the Authority of this Court, That all Country Highwayes shall be such as may be most ease and safe for Travellers, to which purpose the Court of that County where such High-ways is to be made and laid out, shall upon complaint appoint two or three men of each next Town, whose Inhabitants have most occasion thereof, upon view to lay out such High wayes according to Order, given them by that Court, and make return of what they do therein to the next Court, Provided alwayes it occasion not the pulling down of any Mans House, or laying open any Garden or Orchard, and in Common Grounds, or where the Soyle is wet, myric or very rocky, shall lay out such High-ways the wider, *viz. six, eight, ten or more Rods.*

Satisfaction to be given proprietors.

Provided, that if any Man be thereby damaged in his unproved Ground, the Town shall make him reasonable satisfaction, by estimation of those that laid out the same: and if such persons deputed cannot agree, it shall be referred unto the County Court of the Shire, who shall have power to hear and determine the Case; And if any person finde himself justly grieved with any act or thing, done by the persons deputed aforesaid, he may Appeal to the County Court aforesaid, but if he be found to complain without cause, he shall surely pay all charges of the parties, and Court, during that Action, and also be fined to the Country as the Court shall adjudge. [1639.]

Private wayes in Towns.

2. It is Ordered and Declared by this Court, That the Select Townsmen of every Town, have power to lay out (by themselves or others) particular

particular and private wayes concerning their own Town, only so as no damage be done to any man without due recompence to be given by the judgement of the said Select men, and one or two choisen by the said Select men, and one or two choisen by the party, and if any person shall finde himself justly grieved, he may Appeal to the next County Court of that Shire, who shall do justice therein as in other Cases. [1642.]

Private wayes
in Towns

3. Upon information that divers High-wayes are much annojed and intumbled by Gates and Rails erected upon them;

Incumbrance in
High-wayes to
be removed

It is Ordered by the Authority of this Court; That upon any information or complaint made to any County Court, or to any Magistrate of any such Gates or Rails erected, or to be erected upon any Common High-way, the said Court or Magistrate shall appoint a Committee of discreet and indifferent men to view such incumbrance, and to Order the reformation thereof.

And if the parties whom it shall concern, shall not submit to such Orders, they shall require them to appear at the next Court of that Shire, and also shall certifie the incumbrance found, and Order by them made under their hands unto the said Court, or appear in person to prosecute the cause, where it shall be heard and determined for ease and conveniency of Travellers, with due respect to the Proprietors cost and damage, but no person shall stand charged with the repair of common High-wayes through his own Ground. [1647.]

HORSES, MARES.

IT is Ordered by this Court and Authority thereof; That no Master or Commander of any Ship or Barque, shall receive on board his Ship or Vessel, any Horse, Gelding or Mare, but such as shall be entred into a Book, with the colour, particular marks and age, (as near as may be known) and person of whom such Horse was last bought, and proof by Witness or Oath that he was the true owner thereof, to be kept by the Clerks of the Writs in all their Towns, who are hereby Authorized to view all such as shall be shipped; and for every Horse so entred, there shall be paid to the said Officers, by the Owner or Merchant of such Horse, six pence a piece.

L. 2. p. 11.

Horses to be
transported, to
be entred in a
Book.

And every Commander or Master of any Vessel, who shall take on board any other Horse or Mare, except such as he shall receive a Note under the hand of the said Clerk, and be entred as aforesaid, shall for every such offence forfeit the Sum of forty shillings to the Informer and forty shillings to the Treasury. [1649.]

Penalty

It is Ordered, that no person shall under any pretence sell or any way dispose any Horse, Mare or Colt, to any Indian, upon the penalty of one hundred pounds. [1655.]

No Horses to be
sold to Indians.

VV Hereas the Breed of Horses in the Country is utterly spoiled, whereby that useful Creature will become a burthen, which otherwise might be beneficial, and the occasion thereof is conceived to be through the smallness and badness of Stone Horses and Colts that run in Commons and Woods;

Order for the
best improvement
of Stone Horses

For prevention whereof, This Court doth Order and Enact, and be it Ordered and Enacted by the Authority hereof, That no Stone Horse above two years old shall be suffered to go in Commons and Woods at liberty, unless he be of comely proportion and sufficient stature, not less than *fourteen Hands high*, reckoning *four Inches to a Handful*, and such a Horse to be viewed and allowed by the major part of the Select men of the Town where the owner lives.

And if any person or persons turn any Stone Horse upon the Commons, or at liberty, or in the Woods, being not viewed and allowed as before, he or they shall forfeit *twenty shillings* a Month for every Stone Horse running at liberty, after he is a *two years old*; which penalty is to be taken by Warrant of the Select Men, and employed to the Towns use, and if the Select Men of any Town do neglect their duty in taking their fines, and viewing such as are brought in, according to this Law, they shall forfeit *twenty shillings* to the County Treasury; and this Law to be in force the first of *October* next. [1668.]

Idle Persons.

WHereas in the Law tit. *House of Correction*, Idle persons are particularly named as such, as the Law intendeth should be committed to that House for Correction and Reformation: This Court taking notice, upon good information and sad complaints, that there are some persons in this Jurisdiction, that have Families to provide for, who greatly neglect their Callings, or mispend what they earn, whereby their Families are in much want, and are thereby exposed to suffer, and to need relief from others;

This Court for remedy of these great and unsufferable evils; do Declare, that by Idle persons (mentioned in the recited Law) such neglectors of their Families, are comprehended amongst the rest, and that in a special manner. [1668.]

Constables to
take notice of
Idle persons.

IT is Ordered, that no person, House-holder or other, shall spend his time Idely or unprofitably, under pain of such punishment, as the County Court shall think meet to inflict.

And the Constables of every Town are required to use special care to take notice of Offenders in this kinde, especially of common Coasters, unprofitable Fowlers, and Tobatco takers, and present the same to the next Magistrate, who is hereby impowred to hear and determine the cause, or transfer it to the next Court. [1633.]

JESUITES.

THis Court taking into consideration the great Wars, Combustions and Divisions which are this day in Europe and that the same are observed to be raised and fomented, chiefly by the secret underminings, and solicitations of those of the Jesuitical Order, Men brought up and Devoted to the Religion and Court of Rome, which hath occasioned divers States to expel them their Territories, for prevention whereof among our selves;

It is Ordered and Enacted by Authority of this Court, That no Jesuite or Spiritual or Ecclesiastical person (as they are termed) Ordained by the Authority of the Pope or See of Rome, shall henceforth at any time repair to, or come within this Jurisdiction: And if any person shall give just cause of suspicion, that he is one of such Society or Order, he shall be brought before some of the Magistrates, and if he cannot free himself of such suspicion, he shall be committed to Prison, or bound over to the next Court of Assistants, to be tryed and proceeded with, by Banishment or otherwise as the Court shall see cause. Forbidden to enter our Jurisdiction.
To be Banished.

And if any person so Banished, be taken the second time within this Jurisdiction, upon lawful tryal and conviction, he shall be put to Death. Provided this Law shall not extend to any such Jesuite, Spiritual or Ecclesiastical person, as shall be cast upon our Shores by Ship-wrack or other Accident, so as he continue no longer then till he may have opportunity of Passage for his departure; nor to any such as shall come in company with any Messenger hither upon publick occasions, or Merchant, or Master of any Ship belonging to any place, not in enmity with the State of England, or our selves, so as they depart again with the same Messenger, Master or Merchant, and behave themselves inoffensively during their abode here. [1647.]

IMPOSTS.

FOR the support of the Government and Maintenance of Fortification, for the protecting and safe guarding our Harbours for our selves and others that come to Trade with us;

It is Ordered by this Court and the Authority thereof, That every Person, Merchant, Seaman or other, that bring Wines, or Strong-waters into any of our Harbours, in any Ships or Vessels whatsoever (except they come directly from England as their first Port) before they Land any of the said Wines or Strong-waters, more or less, shall first make entry of as many Butts, Pipes or other Vessels, as they or any of them shall put on shore, by a Note under their Hands delivered to the Officer that is to receive the Customs at his House, upon pain of forfeiture and confiscation of all such Wines and Strong-waters as are Landed, before such entry made A. 53. p. 14.
Wines to be entered before Landed.

made, wheresoever found, the one half to the Country, the other half to the Officer, and the Merchant or owner of such Wines of any kinde, or Strong waters, as soon as he Lands them, shall deliver and pay unto the said Officer what is due for Custome of them according to this Order, in Wine or Strong-water, according to the proportion of the goodnes of the parcel that is brought in, as the Officer and Owner can agree, to the contentment and satisfaction of the said Officer, but if they cannot agree, the Treasurer for the time being shall Determine the price thereof.

Custome to be paid upon the Landing-

Customers Deputy.

And it is further Ordered, that the chief Officer or Customer shall have under him a Deputy or Deputies, who shall be as searchers or waiters in several places, to take up such Wines or Strong-waters by order of the said chief Officer, and to take notice of what is Landed in any place of this Jurisdiction, that the Country be not defrauded, who shall have due recompence, as the chief Officer shall agree with them, and all Wines shall pay Custome according to the Rates following:

Rates of the Custom of wine.

Every Butte or Pipe of Fyall Wines, or any other Wines of the Western Islands, *five shillings.*

Every Pipe of Madera wine *six shillings eight pence.*

Every Butte or Pipe of Sherry, Sack, Malaga, or Canary Wines, *ten shillings.*

Muscadels, Malmsies and other Wines from the Straits, *ten shillings.*

Bastards, Tents and Alligants, *ten shillings.*

And proportionable for greater or lesser Vessels of each kinde.

Every Hoghead of French Wines *two shillings six pence.*

And every Hoghead of Strong-waters, *ten shillings,* and proportionably for greater or lesser quantities.

Customers power and duty.

2. *And for the better recovering any such Customes of Wines and Strong waters, or Forfeitures, for not entring according to this Order;*

It is Ordered, that the said Officer or his Deputy, hath hereby power, and is required to go into all Houses or Cellars, where he knoweth or suspecteth any Wine or Strong-waters to be, and shall seize all such Wines and Strong waters as are not entred according to this order; and also seize and take possession of so much Wines and Strong waters as shall make payment for what Custome is due, according to entries made, and is refused or neglected to be paid in due manner according to this Order.

Constables to assist the Officer

And all Constables and other Officers are hereby required to assist and aid the Officer in the discharge of his duty, and helping to break open such Houses or Cellars of the Owners of such Wines or Strong-waters, as shall refuse to open their doors or deliver their Keys in a peaceable manner.

Constables and others to assist the Customer

And any Smith, Carter, Owner of Boat, Porter or other, that shall be required by the Officer to help and assist in taking, loading and transporting such Wines for the use of the Country, and shall refuse or neglect such service for due hire, shall forfeit to the Common Treasury, *ten shillings* for such default, to be levied by the Constable, by Warrant from any one Magistrate.

penalty of ten shillings

And all Debts due unto the Country for Custome of Wines or Strong-waters, where Wines or Strong-waters are not to be found, they shall be recoverable in a way of Action, according to the course of Law in other Cases.

3. And it is further Orderd, That besides the Customes of Wines or Strong-waters aforesaid, all Merchants or Masters of Strangers Ships, which shall arive with Merchandize, in any of our Harbours of *Boston* or *Charlstown*, and shall make sale thereof, or of the greater part of the same, shall pay by way of Custome or Imposition, after the Rate of *six pence per Tun* for every Ship, to be paid out of the said Merchandize; And the Master of every such Ship, shall also pay *ten shillings* towards the maintenance of our Fortifications, for the defence of our said Harbours; Provided no *English-ship*, or other Ship or Vessel, Fraught in *England*, by any *English man* arriving in our said Harbours, nor any Vessel of our Confederates, or any other parts where our Sips are free of Customes, Imposts and Taxes, shall pay the said Custome of *six pence per Tun* to the Officer appointed, but only towards the maintenance of the said Fortifications *ten shillings* for every Ship above the burden of *two Hundred Tuns*, and *six shillings eight pence* for all other Vessels and Ships under that burden. [1645.]

L. 2. p. 9.

Sixpence per Tun to be paid by every ship.

For a ship of 200 Tun 10 s. For 1000 ships 6000 pence.

Impost on Wine and Strong Liquors.

WHereas the General Court hath formerly for good and weighty Reasons, laid an Impost upon Wines and Strong-waters Imported;

It is thought expedient by this Court, for good causes and considerations, to set a Rate upon all Cyder, Mum, Ale and Beer, sold in publick Houses licensed to sell such things, that is to say, *two shillings six pence per Hoghead* upon all Cyder, Ale and Beer, and *five shillings per Hoghead* upon all Mum, and so in proportion thereto, to each of them in greater or lesser quantities.

Impost on Wine Strong Liquors

Impost on Ale and Beer 2. s. 6 per Hoghead

And this Court doth further Order that these Rates or Sums aforesaid, be paid to the Treasurer of the Country or to his Assignes in Money, by every person Licensed to keep an Inne, Ordinary, or House of publick entertainment, within this Jurisdiction whatsoever.

Mum 5. s. per Hoghead

And to that end, every person so Licensed, and selling, are Ordered and Required to keep a true and just account of what he or they shall sell from time to time; and that at the end of every Month or Week, being thereto required, after the publication hereof, they shall present the said account to the Treasurer aforesaid, upon Oath if required, or to his Assigne, and pay all the Money due hereby; and in case any of the persons Licensed as aforesaid, shall refuse or neglect to do what is above Ordered, upon conviction before any two Magistrates or Court of that Country where the offence is committed, shall pay treble damage to the Country or forfeit his or their License, at the discretion of that Authority that shall take Cognizance thereof. [1668.]

For the better Explanation and effectual Execution of the Law, tit. Impost;

Wines & Strong
Liquors impor-
ted to be entred
with the Officer,

It is Ordered and Enacted by this Court and the Authority thereof, That all Wines and Strong-waters Imported into this Jurisdiction, according to that Law, be entred with the Officer in particulars, both for quantity and quality, before any of it be Landed, upon the penalty of the forfeiture of all that is Landed before it be entred.

It is Ordered that the Impost required by Law be paid to the Officer in Money, or the best of the specie at Money price.

Impost upon all Goods and Provisions.

This Court taking notice of sundry Complaints of much Inequality in the present way of raising Moneys to defray Publick Charges;

Do therefore Order, and by the Authority of this Court, be it Ordered and Enacted:

I. That all Goods, Wares, Merchandizes and Provisions of all sorts (excepting Fish, Sheeps-Wool, Cotton-wool, Salt, and such other things as by former Laws are exempted, or otherwise provided for) which from any foreign part, or other Jurisdiction, shall be imported into any of our Harbours, Ports, Shores or elsewhere within this Jurisdiction, shall be Rated in a just proportion with Estates Rateable in the Country, viz. for every twenty shillings value, shall be paid one penny in Money.

II. All Goods, Wares and Merchandizes as aforesaid, shall be here valued as followeth; that is, Every Hundred pounds at the Port or Place from whence it came, to be accounted here at one Hundred and twenty pounds, which penny per twenty Shillings, shall be paid by the Agent, Factor, Owner or other person by whom they are brought, or to whom they are sent or Consigned; and so according to the same proportion for all greater or lesser quantities whatsoever.

III. To which end, all Goods and Provisions as aforesaid Imported, shall by the Master, Purser, Boatswain, or Skipper of each Ship or other Vessel in which they are brought, before breaking Bulk, or Landing any of the said Goods, be certified unto the Country Treasurer or Collector by him impowred in the several Port Towns, or other places where they are brought, on penalty of forfeiture of twenty shillings per Tun, according to the burthen of the Ship or Vessel wherein they are brought from time to time.

IV. And all and every such Collector, shall carefully and truly enter all such Goods, with their several Marks, Casks, Packs, Fardels, Trusses, Chests, Trunks, Cases, and all other things however called or distinguished, with the Names of the persons to whom such Goods or other Things are sent and Consigned, or are Owners thereof, so far as may by any lawful means be discovered.

V. And all persons to whom such Goods or other things aforesaid, are Configned or sent, or are the Owners thereof, shall from time to time, before such Goods are Landed, signifie the true and just value thereof, by shewing the true and perfect Invoice thereof, unto the aforesaid Collectors for each Port; who are hereby required to Enter the gross Sum thereof in a Book for that purpose, what the said Goods or other things amount unto, and shall forthwith demand and receive the several Rates or Assessments aforementioned, or certifie the Treasurer, or such other Collector or Receiver as is concerned therein.

VI. And in case of denial or delay of payment, the Collector Authorized as aforesaid, shall levy the same by distress upon the said Goods, at the Rate or price set in the Invoice, out of which he shall have *two shillings per pound* for his time and labour therein: And for the more full effecting hereof, the said Collector is impowred to require aid (if need be) as any Constable may in the like service, and no man may refuse to assist, upon the same penalty the Law in that case express.

VII. If any Invoice or Bill of Parcels shall be falsified, concealed, or not produced, of any Goods or other things imported as aforesaid, it shall be lawful for the Treasurer or Collector, with the Select Men of each Town therein concerned, to Rate all such Goods, or the Owner, or other Agent for the same, by Will and Doom, according to their best discretion; Provided it be not less than *four pounds per Tun*, as the same stands Entred in the Bill of Lading, in the Boatswain or other Officers Book.

VIII. It is further Ordered, in reference to all sorts of Cattle that are brought into this Jurisdiction, to be sold, killed or transported, that the Venders shall give a just and true account of all such Cattle so brought to some one of the aforesaid Officers impowred to act herein, both in respect of number and kinde, and the same shall be entred in a Book; and the Owners of all such Cattle, or the person with whom they are trusted before they are set to sale, killed or put on Board any Vessel for transport, shall pay for every Head as is expressed in the Law *tit. Charges Publick*, upon penalty of forfeiture of any such Beast, or the true value thereof, in whose hand soever found; the one half to the publick Treasury, the other half to the Informer.

IX. For all other sorts of Goods, Hides, Skins, Beaver, Peltry, Butter, Cheese, or other Merchandize or Provisions brought into this Jurisdiction by Land, the Owner, Factor, Agent, or other person intrusted, shall before any sale made, or before any putting on Board any Vessel for transport, or other disposal of the said goods, make a just and true Entry thereof, as is before provided concerning Goods imported by Sea, and to be Rated *one penny* in every *twenty shillings*, the same to be paid in Money to the said Officer, under the penalty of forfeiture as aforesaid; the one third part to the Country Treasurer, one third part to the Informer, and one third part to the Collector.

X. The Country Treasurer for the time being, is hereby impowred and required duly to execute, or cause to be duly and fully executed this present Order in each particular part thereof; who is also impowred

and Authorized to depute and impower all such Officers under him, as he shall judge necessary for the accomplishment thereof, who upon Warrant to them directed under his Hand and Seal, shall attend the same: And the said Officer or Officers shall be accountable to the said Treasurer, when he shall call them thereunto.

XI. It is also Ordered, That such Goods or other things as upon importation shall by this Order be paid for, shall not again for that year be Rated, whilst they remain in the hands of them that so paid for them.

XII. In case the Treasurer or any Officer under him, shall finde any great difficult or doubtful case in the execution of this Order, they shall repair to the Governour and Council, or so many of them as can conveniently assemble, provided the number be not less then five, who are hereby impowred to give such Order and Directions for removing Obstructions, as the major part of them shall judge expedient, for the effectual prosecution of this Order.

And the Order Respecting Customes, made *October 1668.* is hereby Repealed.

And it is Ordered further, That this present Law be in force forthwith, upon the ending of this present Sessions, and forthwith publish in *Boston* and *Charlstown.*

It is Ordered by this Court, that this shall be the Seal of the Treasurers Office.



Although there are several Orders made by this Court, concerning the receiving of the Rates of Goods Imported, yet it is found by experience, that it falls short of attaining the full end intended: For prevention of the defrauding of the Officer who is appointed to Collect the same;

Law to prevent
the defrauding
of the Officer
for Customes

It is hereby Ordered, as an Addition to what the Law hath provided in this case, that all Masters of Ships or other Vessels, coming into our Ports with any Goods Rateable according to Law, shall keep in their Custody all such Goods, till they receive an Order from the Collector to deliver the same, or in defect thereof to pay unto the said Officer the full value of the Rate appointed by Law. [1670.]

Three Questions
resolved.

Whether the revenue arising by Rate or Custome of Goods Imported, as also Powder paid by Shipping belonging to Strangers and brought into the River of *Pascataqua*, is to be returned to the Publick Treasury of this Country? This Question is Resolved by the whole Court on the Affirmative.

Whether the Money already Collected in *Pascataqua* River, viz. by Customes

Customes or Rate on Goods Imported, &c. and for Powder paid by shipping, that is, what hath been received from Strangers, and such as are not Inhabitants of the said River, is to be returned to the publick Treasury of this Country; this Question also was resolved on the Affirmative by the Court.

Whether the Revenue arising by the Rate or Custome layd on Goods Imported, belonging to the Inhabitants of *Pascataqua River*, which is brought into the said River, is to be paid into the Country Treasurer: This Question is Resolved in the Negative by the whole Court. [1671.]

IMPRESSES.

IT is Ordered by this Court and the Authority thereof; That in all publick works of this Common-wealth, one Magistrate and the overseer of the work, shall have power to send their Warrants to the Constables of the next Towns, to send so many Labourers and Artificers as the warrant shall direct, which the Constable and two other or more of the Freemen, which he shall chuse, shall forthwith execute for which service, such Magistrate and Overseer aforesaid, shall have power to give such Wages as they shall judge the Work to deserve; Provided that for any ordinary work, no man shall be compelled to work from home above one week together.

I. 1. p. 9.

Labourers preferred for any publick work

2. It is also Ordered, That no man shall be compelled, to any Publick work or service, unless the prefs be grounded upon some act of the General Court, and have reasonable allowance for the same, nor shall any man be compelled in Person to any Office, Work, Warrs, or other publick service, that is necessarily and sufficiently exempted, by any natural or personal impediment, as by want of years, greatness of years, defect of minde, failing of senses, or impotency of Limbs:

Persons free for defect

Nor shall any man be compelled to go out of this Jurisdiction upon any offensive Wars, which this Common wealth, or any of our Friends or Confederates, as shall voluntarily undertake, but only upon such vindictive and defensive Wars in our own behalf or the behalf of our Friends and Confederates as shall be enterprized by the Council and consent of a General Court, or by Authority derived from the same.

Cattle and other goods damaged in the Country service to be made good

Nor shall any mans Cattle or Goods of what kinde soever, be Pressed, or taken for any Publick use or service, unless it be by Warrant, grounded upon some Act of the General Court; Nor without such reasonable Prizes and Hire, as the ordinary Rates of the Country do afford, and if his Cattle or Goods shall perish or suffer damage in such service, the Owner shall be sufficiently recompenced. [1641.]

IMPRISONMENT.

Who Baytable:

IT is Ordered and by this Court Declared, That no Mans Person shall be Restrained or Imprisoned by any Authority whatsoever, before the Law hath Sentenced him thereto, if he can put in sufficient Security, Baile or Mainprize, for his appearance and good Behaviour in the mean time, unless it be in Crimes Capital, and Contempt in open Court, and in such Cafes where such express Act of Court doth allow it. [1641.]

INDIANS.

A. 52. p. 16.

Indians Title to Land.

FOR settling the Indians Title to Lands in this Jurisdiction; It is Declared and Ordered by this Court and Authority thereof, That what Lands any of the Indians in this Jurisdiction have possessed and improved, by subduing the same, they have just right unto, according to that in *Gen. 1. 28. & chap. 9. 1. & Psal. 115. 16.*

And for the farther encouragement of the hopeful work amongst them, for the Civilizing, and helping them forward to Christianity; If any of the Indians shall be brought to Civility, and shall come among the English to Inhabit, in any of their Plantations, and shall there live Civilly and Orderly;

Civil Indians to have Land granted them.

That such Indians shall have Allotments amongst the English, according to the Custome of the English in like case.

Further it is Ordered, that if upon good experience, there shall be a competent number of the Indians brought on to Civility, so as to be capable of a Township, upon their request to the General Court, they shall have graunt of Lands undisposed of, for a Plantation as the English have.

Indians not to be dispossessed

And further it is Ordered by this Court, that if any Plantation or Person of the English, shall offer injuriously to put any of the Indians from their Planting grounds, or Fishing-places, upon their complaint and proof thereof, they shall have relief in any of the Courts of Justice amongst the English, as the English have.

And further it is Ordered by this Court and the Authority thereof, and be it hereby Enacted, That all the Tract of Land within this Jurisdiction, whether already granted to any English Plantations or Persons, or to be granted by this Court (not being under the qualification of Right to the Indians) is, and shall be accounted the just Right of such English as already have, or hereafter shall have Graunt of Lands from this Court, and the Authority thereof; from that of *Genesys 1. 28.* and the Invitation of the Indians.

L. 1. p. 38

2. And It is Ordered, That no Person whatsoever, shall henceforth buy

buy Land of any Indian without License first had and obtained of the General Court, and if any offend herein, such Land so bought shall be forfeited to the Country.

None to buy
Land of Indians

Nor shall any person, sell, give or Barter, directly or indirectly, any Gun or Guns, Powder, Bullets, Shot, Lead to any Indian whatsoever, or to any person Inhabiting out of this Jurisdiction: Nor shall any amend or repair any Gun belonging to any Indian, nor shall sell any Armour or Weapons, upon penalty of *ten pounds* for every Gun, Armour or Weapons so sold, given or Bartered, *five pounds* for every pound of Powder, *forty shillings* for every pound of Shot or Lead, and proportionably for any greater or lesser quantity. [1633. 37.]

No arms or amu-
nition to be trad-
ed with the In-
dians.

FOR Explanation of the Law, tit. Indians;

This Court doth Declare the Prohibition there express, Referring to the purchase of Indian Land without Licence from this Court, is to be understood, as well Graunts for term of years as for ever, and that under the same penalty, as in the said Law is express. [1665.]

3. *Whereas the French and Dutch and other foreign Nations do ordinarily Trade Guns, Powder, Shot, &c. with Indians, to our great prejudice and strengthening and animating the Indians against us, And the aforesaid French, Dutch &c. do prohibit all Trade with the Indians within their respective Jurisdictions, under penalty of Confiscation, &c.*

L. 2. p. 15.

It is therefore Ordered; That it shall not be lawful for any *Frenchman, Dutchman*, or any person of any other Forreign Nation whatsoever, or any *English* dwelling amongst them, or under them, or any of them, to Trade with any *Indian or Indians* within the Limits of our Jurisdiction, directly or indirectly by themselves or others, under penalty of Confiscation of all such Goods and Vessels as shall be found so Trading, or the due value thereof, upon just proof of any Goods or Vessels, so Trading or Traded.

Forreigners pro-
hibited Trade,
without Indians

And it shall be lawful for any person or persons, Inhabiting within this Jurisdiction, to make seizure of any such Goods or Vessels Trading with the *Indians*; one half whereof shall be for the proper use and benefit of the party seizing, and the other half to the Country.

4. *And because the Trade of Furrs with the Indians in this Jurisdiction, doth properly belong to this Commonwealth, and not unto particular persons;*

A. 57. p. 22.

It is therefore Ordered, That henceforth no Person or Persons, directly or indirectly, shall Trade with the *Indians* for any sort of *Peltry*, excepting only such as are Authorized by this Court, or by such Committee as this Court shall appoint from time to time, under the penalty of *one Hundred pounds* fine for every offence, *ten pound* whereof shall be to the Informer, the rest to the Country.

None to Trade
furrs with Indi-
ans without li-
cense under pe-
nalty of 100 li.

5. *Whereas several Orders for the preventing of Drunkenness amongst the Indians have been made, yet notwithstanding there is little or no reformation: For the prevention thereof, and the frequent effects thereof, Murder and other outrages amongst them;*

A. 52. p. 23.

This Court doth Order, that no person of what quality or condition

Strong Liquors
prohibited to be
sold or given to
Indians on pe-
nalty of 40 s.
per pint

soever, shall henceforth Sell, Truck, Barter; or give any strong Liquors to any Indian, directly or indirectly, whether known by the name of Rum, strong-Waters, Wines, strong-Beer, Brandy, Cyder, Perry, or any other strong-Liquors, going under any other name whatsoever; under the penalty of *fifty shillings* for one pint, and so proportionably for greater or lesser quantities so Sold, Bartered or Given, directly or indirectly as abovesaid.

And for the better execution of this Order;

All Trucking Houses erected (not allowed by this Court) shall be forthwith demolished.

And for the better effecting of this Order;

It is Declared that one third part of the penalty, shall be granted to the Informer.

It is also Ordered, that special care shall be had by the Grand jury, of every Shire Court, to inquire and present to the Court what they finde, to discover matter tending to such practise, against the true intent of this Law :

Except in case
of sickness, &c.

And all other Orders giving liberty to sell strong Liquors to the Indians, are hereby Repealed; and all Licenses formerly granted, are hereby disabled and called in; Provided always, that it is not intended that this Law shall extend to restrain any person from any charitable act, in relieving any Indian (*bona fide*) in case of suddain extremity, by sickness or fainting, which calls for such help, not exceeding one dram, nor when any Physitian shall prescribe in way of Physick any of the particulars before-mentioned; so as upon sight of his direction in writcing, there be allowance had under the hand of one Magistrate, or where no Magistrates in the Town residing, being under the hands of the Town Commissioners or two of them. [1657.]

A 56. p. 18.

6. This Court considering the necessity of restraining the Indians from whatsoever may be a means to disturb our peace and quiet;

No Boats to be
sold to Indians

Doth Order, That henceforth no person or persons Inhabiting within this Jurisdiction, shall directly or indirectly any wayes give, sell, barter or otherwise dispose of any Boat, Skiffe, or any greater Vessel unto any Indian or Indians whatsoever, under the penalty of *fifty pounds*, to be paid to the Country Treasurer, for every such Vessel so sold or disposed as aforesaid. [1656.]

L. 1. p. 28.

Damage done to
Indians in their
Corn to be satis-
fied.

7. It is Ordered by this Court, That in all places within this Jurisdiction, the English shall keep their Cattle from destroying the Indians Corn, in any ground where they have right to plant, and if any of their Corn be destroyed for want of Fencing or Hearing; the Town shall make satisfaction, and shall have power among themselves, to lay the charge where the occasion of the damage did arise; Provided that the Indians shall make proof, that the Cattle of such a Town, Farm or Person did the damage.

And for encouragement of the Indians, towards the Fencing in of their Corn-fields;

Help Ind Fence
their Ground.

Such Towns, Farms, or Persons, whose Cattle may annoy them that way, shall Direct, Assist and help them, in felling of Trees, riving and sharpening Rails, and holing of Posts; allowing one English-man to three or more Indians; And shall also draw the fencing into place for them, and allow one man a day or two, towards the setting up the same, and either lend or sell them Tools to finish it; Provided, that such Indians to whom the Country or any Town, have given, or shall give Ground to plant

plant upon, or shall purchase ground of the English, shall Fence such their Corn Fields or Ground, at their own charge as the English do or should do:

And if any Indian refuse to fence their Corn Ground (being tendred help as aforesaid) in the presence and hearing of sufficient witnesses, they shall keep off all Cattle, or lose their damages.

And it is also Ordered, that if any harm be done at any time by the Indians unto the English, in their Cattle; the Governour or Deputy Governour with two of the Assistants, or any three Magistrates, or any County Court, may order satisfaction according to Law and Justice. [1640. 48.]

Indians to pay for hurt done to Cattle

8. Whereas one end in planting these parts was to propagate the true Religion unto the Indians, and that divers of them are become subject to the English, and have engaged themselves to be willing and ready to understand the Law of God;

It is therefore Ordered, That such necessary and wholsome Laws which are in force, and may be made from time to time, to reduce them to civility of life, shall be once a year (if the times be safe) made known to them, by such fit persons as the General Court shall appoint.

Laws to be published to the Indians

9. For the better Ordering and Governing the Indians subject to us, especially those of Natick and Punquepaog;

A. 58-

It is Ordered that whomsoever the Court shall appoint, do take care that all such Indians do live according to our Laws, as far as they are capable, and to that end shall be Authorized to constitute and appoint Indian Commissioners in their several Plantations, to hear and determine all such matters that do arise amongst themselves as one Magistrate may do amongst the English, with Officers to execute all Commands and Warrants, as Marshal and Constables.

And further they joyntly shall have the power of a County Court, to hear and determine all causes arising among them, the English Magistrate appointing the time and place of the Court, and consenting to the determination or judgement, and all other matters beyond their cognizance shall be issued and determined by the Court of Assistants.

Courts to be kept among the Indians.

10. And it is Ordered, that no Indian shall at any time Powaw or perform outward worship to their false Gods, or to the Devil, in any part of our Jurisdiction, whether they be such as shall dwell here or shall come hither; and if any shall transgress this Law, the Powawer shall pay five pounds, the procurer five pounds, and every other countenancing by his presence or otherwise (being of age, of discretion) twenty shillings, and every Town shall have power to restrain all Indians that shall come into their Towns from prophaning the Lords day. [1633, 37, 40, 41, 42, 46, 48, 56, 57, 58.]

Powaws forbid den.

Towns to restrain Indians from prophaning the Sabbath

Whereas the sin of Drunkenness amongst the Indians doth much increase, notwithstanding the Laws provided against that crying sin;

This Court doth therefore Order, that any person or persons, that shall see, know or finde any Indian with any strong Liquors, Wine or strong Drink, that such Indians have any way gotten without Order as the Law directs, shall have power to seize the same, and to deliver the said strong Drink to the Constables of the Town or Place where such Indians are found, with their persons to be conveyed before some Magistrate or Commissioner, who have

order to prevent Drunkenness in Indians

Their strong Liquors &c. to be seized by any person

power to deal in such cases; and such Indians as are found Drunk, being apprehended, and will not confess how or where they had the said Wine, Liquors, or strong Drink, shall be secured or imprisoned until they make a just acknowledgement where they had their Drink aforesaid, or committed to the House of Correction, and there labour to discharge the charge of their provision.

Their accusation against persons to be evidence unless the party clear himself on Oath, &c.

And if any such Indian do accuse any person for selling or delivering strong Drink unto them, such Indian accusation shall be accounted valid against any such person accused; except such persons shall clear themselves by taking their Oath to the contrary, any Law or Custome to the contrary notwithstanding.

If Drunk to pay ten shillings or be whipt with ten stripes, &c.

And it is also further Ordered, that whatsoever Indian shall hereafter be taken Drunk, shall pay the sum of *ten shillings* or else be whipt, by laying on *ten stripes*, according to the discretion of the Judge, whether Magistrate or Commissioner who shall have cognizance of the case: And in all Towns where no Magistrate or Commissioners are, such Cases shall be judged by the Select men or major part of them. [1666.]

Trade with Indians for peltry & Ammunition regulated.

Every allowed Trader paylog to the Country Treasurer severall forms appointed, &c.

IT is Ordered by this Court and the Authority thereof, That henceforth every person that is or shall be allowed by the Treasurer of the Country to Trade Peltry or Skins with the Indians, shall have liberty to sell unto any Indian or Indians, not in Hostility with us, or any of the English in *New England*, Powder, Shot, Lead, Guns, (*i. e.*) Hand Guns, Rapier or Sword blades; Provided he or they pay unto the Country Treasurer every half year in money, *sixpence* a pound for every pound of Powder, *sixpence* for every *ten* pounds of Shot or Lead, *three shillings* for every Gun, *three shillings* for every dozen of Rapier or Sword blades, and so proportionably for any quantity that he or they shall sell to any Indian or Indians; and every such person allowed to Trade as aforesaid, shall upon Oath deliver to the Treasurer a true and just account of the particulars of the above-mentioned Commodities, by him or them sold unto any Indian or Indians.

And it is further Ordered, that any person allowed as before, that shall be convicted before any two Magistrates or County Courts, of selling or bartering any of the forementioned Commodities unto any Indian, whereof he or they have not given a true and just account, and made due payment unto the Treasurer as is above expressed; every such person or persons shall forfeit to the publick Treasury, *five pounds sterling* for every pound of Powder, *five pounds* for every *ten* pounds of Shot or Lead, *ten pounds* for every Gun great or small, and *ten pounds* for every dozen of Rapier or Sword blades, and so proportionably for any quantity of the aforesaid Commodities sold or bartered by him or them to any Indian or Indians: and all persons except such as are allowed, are hereby prohibited from selling any of the forementioned Commodities unto any Indian or Indians, upon the penalty expressed in the Law, *tit. Indians, Sect. 2.* And this Order to continue in force during the Courts pleasure; any Law or Order to the contrary notwithstanding. [1668.]

INDITEMENTS.

IT is Ordered by this Court; That no person shall be Indited, Presented, *A. 32 p. 10.*
 Informed against, or Complained of to any Court or Magistrate within
 this Jurisdiction, for the breach of any penal Law, of any other misde-
 meanour, the forfeiture whereof belongs to the Country, unless the said
 Inditement or Complaint, be made and exhibited within one year after
 the offence be committed; and if any such Inditement, Presentment, In-
 formation or Complaint be not made within the time limited, then the
 same shall be void and of none effect.

Complaints and
 Presentments to
 be made within
 a year.

Provided alwayes, this Law shall not extend to any Capital Offences,
 nor any Crimes that may concern loss of Member or Banishment, or to
 any Treasonable Plots or Conspiracies against the Common-wealth, nor to
 any Felonies above *ten shillings*, nor shall it hinder any person grieved,
 or that hath any wrong done to him or his Wife, Children, or Servants,
 or Estate, real or personal, but that every such person shall have such
 remedies as formerly he might or ought to have. [1652.]

In-keepers, Ordinaries. Tipling, Drunkenness.

FORasmuch as there is a necessary use of Houses of Common Entertainment
 in every Common-wealth, and of such, as Retail Wine, Beer and Victuals,
 yet because there are so many abuses, both by persons entertaining and by persons
 entertained;

It is therefore Ordered by this Court and Authority thereof; That no
 person or persons shall at any time, under any pretence or colour what-
 soever, undertake to be a Common Victualler, Keeper of a Cooks shop,
 or House for Common Entertainment, Taverner, or publick Seller of Wine,
 Ale, Beer, or Strong-waters by Retail, (nor shall any sell Wine privately
 in his House, or out of doors, by a less quantity then Quarter Cask)
 without approbation of the Selected Townsmen, and Licencie of the Coun-
 ty Court where they dwell, upon pain of forfeiture of *five pounds* for eve-
 ry such offence, or Imprisonment at the pleasure of the Court.

None to keep
 Ordinaries with
 out License.

A. 1.

Provided, it shall be lawful for any whole sale Merchant of Wines, or
 the present Stillers of Strong-waters, being Masters of Families, or such
 as receive the same from forreign parts in Cafes, &c. or makers of Cyder
 to sell by Retail; Provided the quantity of Wine and Cyder, be not less
 then three Gallons at a time to one person, nor Strong-waters less then a
 quart; and that it be only to Masters of Families of good and honest re-
 port, or persons going to Sea; and they suffer not any person to drink
 the same in their Houses, Cellars or Yards.

Liberty to sell
 Wine & Strong-
 waters by retail

And every person so Licensed for Common Entertainment, shall have
 some inoffensive Sign, obvious for direction of Strangers, and such as have

Ordinaries to
 have Signes

no such Signe after three Months so Licensed, shall lose their License, and others be allowed in their stead.

L. 2. p. 13.
A. 51. p. 4.
A. 53. p. 19.

To be alwayes
provided with
strong Beer 2. d.
per quart

2. And every person Licensed to keep an Ordinary, shall alwayes be provided of Strong Wholsome Beer, of four Bushels of Malt (at the least) to a Hogshead, which he shall not sell at above two pence the Ale quart, upon penalty of forty shillings for the first offence, and for the second offence to lose his License.

And it is permitted to any that will, to sell Beer out of doors, at one penny the Ale quart or under.

WHer the Law tit. In-keepers, Sect. 2. hath provided, that every person Licenced to keep an Ordinary, shall alwayes be provided of strong wholsome Beer, of four Bushels of Malt at the least to a Hogshead, which was Intended, and is hereby Declared to be of good Barly Malt, not to be sold for above two pence the Ale quart, on penalty as in the said Law is expressed, notwithstanding which, many keepers of Inns and Ordinaries as regardless of the said Law, or of the debasing of the produce of the Country, take liberty to make and sell Drink Brewed of, or mixed with Melasses; course Sugar, or other Materials, to the damage, just offence and prejudice of sundry persons;

Four Bushels of
Barly Malt in a
Hoghead

It is therefore Ordered by this Court and the Authority thereof, that no person Licensed as aforesaid, shall after publication hereof, sell or any wayes utter any Beer, Ale or Drink instead thereof, by Retail that is not made altogether of good Barly Malt, without any mixture of Melasses, course Sugar or other Materials instead of Malt, on penalty of five pounds for every such offence, one half to the Informer, the other half to the County where such offence shall be committed; besides the penalties in the former recited Law expresses, on Complaint to any Magistrate, County Court or Commissioner for Boston, unless the party complained of, shall legally prove his or her Innocency therein, in which case, it shall be in the liberty of the Authority as aforesaid, to accept the Oath of such person if tendred to him or them, if they see cause: And the Authority aforesaid, are hereby impowred to hear and determine such Complaints; any Law, Custome or Usage to the Contrary notwithstanding. [1667.]

L. 1. p. 30.

Not to permit
any to be Drunk
&c.

3. And no Licensed person as aforesaid, shall suffer any to be Drunk, or to Drink Excessively, viz. above half a pint of Wine for one person at a time, or to continue Tipling above the space of half an hour, or at unreasonable times, or after nine of the Clock at night, in, or about any of their Houses, on penalty of five shillings for every such offence.

L. 2. p. 6.

Not to conceal
Drunkards

And if any person Licenced to sell Wine or Beer as aforesaid, shall conceal in his House any person that shall be found Drunken, and shall not forthwith procure a Constable to carry such Drunken person before some Magistrate or Commissioner, and in the interim, the said Vinner or Drawer of Beer, shall make stay of such persons till the Constable shall come. under the penalty of five pounds, for every default.

L. 1. p. 30.

4. And every person found Drunken, viz. so as he be thereby be-
raved or disabled in the use of his understanding, appearing in his speech

or gesture, in any of the said Houses or elsewhere, shall forfeit *ten shillings*, and for excessive Drinking *three shillings four pence*, and for continuemg above half an hour Tipling *two shillings six pence*, and for Tipling at unreasonable times, or after nine of the Clock at night *five shillings* for every Offence in those particulars, being lawfully convicted thereof, and for want of payment, they shall be imprisoned till they pay, or be set in the Stocks one hour or more (in some open place) as the Weather will permit not exceeding three hours.

Drunkenness,
Tipling the pe-
nalty

5. And if any person be found Drunken, by night or by day, or shall in his Drunkenness offer any abuse to the Constable or others, either by striking or reviling him or them, or using any endeavours by himself or others to make an escape, it shall be in the power of the Constable to commit such person or persons to safe keeping or imprisonment, or take Bond for his appearance, as he shall see cause; and the Keepers of each Prison, upon Warrant from any Magistrate, or Commissioner, or Select men, shall receive all such as shall be so committed, and take but *twelve pence* for his fee in such cases.

L. 2. p. 6.

Drunkards abusi-
ng the Constable
to be committed

And the Constable shall inform the next Magistrate thereof, but if no Magistrate be in Town, he shall convent such person or persons before one or more of the Commissioners for ending small causes, and where no Commissioners are, before any one or more of the Select men of the Town, who have power given them to do as any one Magistrate may do in like case; Provided nevertheless, if any such Delinquent shall confess his fault, and pay his fine and other charges, the Constable shall receive it and dismiss the offender, and every person hereby Authorized to receive the fines aforesaid, shall forthwith make return to the Treasurer of the County where such offence is committed, of what he hath done and received in such cases.

Convented be-
fore some Magist-
Commissioner of
Select men

6. It shall be lawful notwithstanding, for all Licensed persons to entertain Land-travellers or Sea-faring men in the night season, when they come on shore or from their journey for their necessary refreshment, or when they prepare for their voyage or journey the next day early, so there be no disorder among them, and also Strangers, Lodgers or other persons in an orderly way, may continue in such Houses of Common Entertainment during meal times, or upon lawful business what time their occasion shall require.

L. 1. p. 30.

Travelers enter-
tained for a
night

7. Nor shall any Merchant, Cooper, Owner or Keeper of Wines, or other persons that have them in their custody, suffer any person to drink to Excess or Drunkenness in any of their Wine-sellers, Ships or other Vessels, or places where Wines do lye on pain to forfeit for each person so doing, *ten shillings*.

Wine merchants
Coopers &c. not
to permit any to
be Drunk

Nor shall any person Licensed to sell Strong waters, or any private House-keeper permit any person or persons to sit Drinking or Tipling Strong-waters, Wine or Strong Beer in their Houses. And if any such Seller of Strong-waters or private Housekeeper, shall be legally convicted before any County Court, any one Magistrate or Commissioners Court, such persons shall for the first offence be fined *twenty shillings*, and if the party so convicted be not able to pay his fine, he shall be set in the Stocks, where he shall continue one whole hour, and if any such Seller of Strong waters shall be convicted as aforesaid of a second Offence of the same nature, he shall forfeit his License, and shall also pay *twenty shillings* as a fine to the Country, and if any private House-keeper, shall be convicted as aforesaid of a second Offence against this Law, he shall pay a fine of *five pounds*,

A. 54. p. 2.

Private House-
keepers not to
permit any to
tipple in their
Houses

First offence to s

Second offence
5s. li

third offence
good behaviour. and for a third offence, such person or persons being so convicted, shall be bound to their good Behaviour in *twenty pound* Bond, with two sufficient Sureties, or be committed to Prison.

L. 1. p. 30.

8. And if any person offend in Drunkenness, excessive or long Drinking the second time, they shall pay double fines.

Drunk the second time
double fine

And if they fall into the same offence the third time, they shall pay treble the fines, and if the parties be not able to pay the fines, then he that is found Drunk shall be punished by whipping, to the number of *ten stripes*; and he that offends in excessive or long Drinking, shall be put into the Stocks for three hours, when the weather may not hazard his life or limbs.

third treble

fourth time in-
prisonment

And if they offend the fourth time, they shall be imprisoned until they put in two sufficient sureties for their good Behaviour.

Inkeepers con-
vict of a third
offence

to,feit their Li-
cense

9 And it is further Ordered, That if any person that keepeth or hereafter shall keep a common house of Entertainment, shall be lawfully convicted the third time, for any offence against this Law; he shall (for the space of three years next ensuing the said conviction) be disabled to keep any such house of Entertainment, or sell Beer, or the like, unless the Court aforesaid, shall see cause to continue him.

provision for
Horses

10 It is further Ordered, that every In-keeper or Victualler, shall provide for the entertainment of Strangers Horses, viz. one or more Inclosures for Summer; Hay and Provender for Winter, with convenient Stable-room and Attendants, under the penalty of *two shillings six pence* for every dayes default, and double damage to the party thereby wronged, except it be by inevitable accident.

Vintners to pay
50. s. per Butt

11. And it is further Ordered by the Authority aforesaid; That no Taverner, Seller of Wine by Retail Licensed as aforesaid, shall take above *nine pound* profit by the Butt or Pipe of Wine, (and proportionably for all other Vessels) towards his waste in drawing and otherwise, out of which allowance, every such Taverner or Vintner, shall pay *fifty shillings* by the Butt or Pipe, and proportionably for all other Vessels to the Country; for which they shall account with the Treasurer or his Deputy every six Months and discharge the same, all which they may do by selling *six pence* a quart in Retail which they shall no time exceed) more then it cost by the Butt: Besides the benefit of their Art and Mystery which they know how to make use of.

To give notice
to the Treasurer
what Wine they
buy

And every Taverner or Vintner shall give a true account and notice unto the Treasurer or his Deputy, of every Vessel of Wine he buyes from time to time within three dayes, upon pain of forfeiting the same or the value thereof, the one half to the Country, the other half to the Treasurer and Informer.

A. 18.

And it is Ordered, that the said Impost, shall from time to time be paid in Wines at Merchantable price, or other equivalent Merchantable good pay, to the content of the Treasurer, and that the Treasurer shall take special care in collecting the same; who is hereby impowred to substitute such Deputies under him as he shall see meet in the several Towns for his help and furtherance herein; for all which pains and care, he shall be allowed *two shillings* in the pound of all such Imposts as he shall bring into his Annual account with the Country.

Treasurer to
have 2. s. per lb.
of this Impost

Provided alwayes, that if any Vintner, Taverner or Retailer of Wines, shall

shall give an account to the Treasurer of any part of any Wine entred as abovefaid, that he hath sold away again by whole-sale, being no less in quantity then a Quarter Cask to one person at one time, and shall truly certify the person who had it, and the time when; such person or persons shall be abated of their Impost, in proportion to what they have sold.

Sellers of Strong
water to give
notice to the
Marshal within
3 dayes

And all such as Retail strong Waters, shall in like manner pay *two pence* upon every quart to the use of the Country, who shall also give notice to the Marshal General of every Case and Bottle, or other quantity they buy within three dayes, upon pain of forfeiture as before

12. And it is Ordered; That in all places where Week-day Lectures are kept, all Taverners, Victuallers and Ordinaries, that are within one mile of the Meeting-house to which they belong, shall from time to time clear their Houses of all persons able to go to Meeting, during the time of the exercise, (except upon extraordinary cause, for the necessary refreshing of Strangers unexpectedly repairing to them) upon pain of *five shillings* for every such offence, over and besides the penalties incurred by this Law for any other disorder.

L. 2. p. 31.

Ordinary-keepers
to clear their
houses in meet-
ing time

13. It is also Ordered, That all offences against this Law, may be heard and determined by any one Magistrate, who shall hereby have power by warrant to send for, and examine parties and witnesses concerning any of these offences: and upon due conviction either by view of the said Magistrate, or Affirmation of the Constable, and one sufficient witness with circumstances concurring, or two witnesses, or confession of the party, to leavy the said several fines, by warrant to the Constable for that end.

One Magistr. to
hear & determine
all offences a-
gainst this Law

And if any person shall voluntarily confess his offence against this Law in any the particulars thereof, his Oath shall be taken in evidence and stand good against any other offending at the same time.

Delinquents to
Rimony

14. It is further Ordered by the Authority aforesaid, That all Constables may, and shall from time to time, duely make search throughout the limits of their Towns upon Lords dayes and Lecture dayes in times of exercise, and also at all other times so oft as they shall see cause, for all Offences and Offenders against this Law, in any the particulars thereof.

Constable to
search in Ord-
naries

And if upon due Information or Complaint, of any of their Inhabitants or other credible persons, whither Taverner, Victualler, Tabler or other, they shall refuse or neglect to make search as aforesaid, or shall not to their power perform all other things belonging to their place and office of Constable, then upon complaint and due proof before any one Magistrate, within three Months of such refusal or neglect, they shall be fined for every such offence *ten shillings*, to be leavied by the Marshal as in other cases by Warrant from such Magistrate before whom they are Convicted or Warrant from the Treasurer upon notice from such Magistrate:

Constab. neglect

Fined 10s.

15. And because it is difficult to Order and keep the Houses for publick Entertainment in conformity to the wholesome Laws established, as is necessary for preventing Drunkenness, excessive Drinking, vain Expences of money, Time, and the abuse of the good Creatures of God;

A. 57. p. 21.

It is therefore Ordered by this Court and the Authority thereof, That no person or persons hereafter shall be Licensed to keep a House of Common entertainment for any longer then one year at one time, and that such as keep Houses of publick entertainment, (the present Vintners during their contract excepted) shall and hereby are enjoyned once every

Ordinaries to re-
new their Li-
cense yearly

year, to repair to the severall County Courts for renewing their severall Licenses (for which they shall pay *two shillings six pence* to the Clerk of the Court) or else they shall forfeit *five pounds* as unlicensed Ale-house keepers. [1645, 46, 47, 48, 51, 53, 57, 58.]

Upon complaint of the great abuses that are daily committed by the Retailers of Strong-waters, Rhum, &c. both by the Stillers thereof, and such as have it from forraigne parts;

None to Still or
Retail Liquors
without License

This Court do therefore Order, that henceforth no person or persons shall practise the Craft of Stilling Strong-waters, nor shall sell or Retail any, by less quantities then a Quarter Cask, and the same to be delivered not at severall times or in severall parcels, but at one time, without Covin or Fraud, excepting only such as shall be allowed Annually by the County Courts respectively, on penalty of *five pounds* forfeiture for every time that any person or persons shall be legally convicted thereof; any Law, Usage or Custome, or former Licenses to the contrary notwithstanding.

Provided alwayes, this Law shall not prohibit such Merchants as have Strong-liquors from forreigne parts in Cases, from selling the same by the whole Case, either to such as are going to Sea, or to Masters of Families of good report. [1661.]

This Court being sensible of the great increas of prophaneess among us especially among the younger sort, taking their opportunity of meeting together in places of publick Entertainment, to corrupt one another by their uncivil and wanton carriage, rudely singing and making a noise, to the disturbance of the Family and other Guests if any be in the House;

Penalty for rude
singing in Ta-
Vernis

This Court do therefore Order and hereby Enact, That no person or persons whatsoever, do presume either in Word or Deed to carry it uncivilly, or wantonly, singing rudely, or making a noise to the disturbance of the Family, or any other Guests in any place of Publick Entertainment, on penalty of paying *five shillings* for every offence against this Law, being therefore legally Convicted before any Court, Magistrate or Commissioner:

And where sundry persons are in the same company, where any such rude and uncivil carriages are acted, and the particular person or persons unknown, every of the said persons shall be liable to the like penalty, unless they can attest their innocency, and do freely give in their testimony against the nocent.

And if any person allowed to keep a house of publick Entertainment shall suffer such carriages by any person or persons, and not legally prosecute the same before Authority, on legal conviction thereof, before the County Court of whom they had their License, they shall be debarred of any further renewal thereof. [1664.]

AS an Addition to the Law, tit. In-keepers;

It is Ordered by this Court and the Authority thereof, That where any person or persons whatsoever, shall presume to keep an House of publick

publick Entertainment, Ordinary, Cooks shop, or shall by Retail sell Wine, Strong Beer, Liquors or Cyder, without License first had and orderly obtained; or having had License, and not renewed as the Law requireth, or being discharged for any misdemeanour committed, or suffered to be done in their Houses, or in or about the same: It shall be lawful for any Court or Magistrate, on complaint made to them of such Misdemeanour, to end for such person or persons before them, and being legally convicted of any the abovesaid offences, besides the penalty, to require Bond, with sufficient Sureties for the good Abbearance of such person or persons, and in special for their observance of the said Law: And in case of Refusal to give such Bond with Sureties as is required; the Court or Magistrate that hath cognizance of such Complaint, shall commit such person or persons convicted as abovesaid to Prison, until the next Court of that County. [1665.]

WHereas this Court hath made several Laws and Orders for the prevention of the sin of Drunkenness, and misspending precious Time and Estate, and yet notwithstanding great complaint is made of several persons spending their Time and Estate by Drinking and Tipling in Taverns and Ale-houses, to the great dishonour of God, and prejudice of their Families; For the prevention whereof;

It is Ordered by this Court and the Authority thereof, That the Select men of each Town shall be, and are hereby required and impowred to take special care and notice of all and every person and persons transgressing as abovesaid, and thereupon to require him or them to forbear the frequenting of such Houses or Taverns: and if any person shall after such warning given him, be found in any such House of Entertainment, and be legally convicted thereof, before any one Magistrate or Commissioner, he shall forfeit five shillings, to be paid to the Treasurer of that Town for every such Offence, or sit in Stocks as the Judges shall see meet.

For prevention
of Drunkenness

And it is further Ordered, That the Select men shall also give notice to the keepers of such Publick Houses, that they suffer no such noted person in any of their Houses, upon the penalty of twenty shillings for every such defect, to be paid to the Treasurer as aforesaid. [1670.]

Judgements and Executions.

WHereas there is a great abuse in selling of Judgements and Executions, and so altering the property of them before they be satisfied; or Goods seized, whereby great inconvenience may arise, as experience hath proved;

A. 54.

This Court doth therefore Order, That after the end of this Session, no person shall sell, Alienate or Assigne any Judgement or Execution whatsoever, and if any shall presume to Act contrary to this Order, his Sale, Assignment or Alienation shall be void in Law; and in case the party die after the Judgement

Judgements and
Executions not
to be sold

before he hath taken out an Execution, or before satisfaction be received, his Executor or his Administrator shall take out or renew the Execution, as the party deceased might have done.

JURORS. JURIES.

L. 2. p. 5.
Clerk to grant
Warrant for Ju-
rors

Chosen by the
Freemen

Constables to re-
turn the warrant

IT is Ordered by this Court and the Authority thereof; that the Secretary or Clerk of every Court, shall in convenient time before the sitting of the Court, send Warrants to the Constables of the several Towns of the Jurisdiction of that Court, for Jury-men proportionable to the Inhabitants of each Town: And the Constable upon the receipt of such Warrant, shall give timely notice to the Freemen of their respective Towns, to chuse so many able, discreet men as the Warrant shall require, which men so chosen, he shall warn to attend the Court whereto they are appointed, and shall make return of the Warrant unto the Clerk afore-
said.

A. 5. p. 5.

L. 2. p. 8.

Juries at special
Courts allowed
4. s. per diem.

The like Order shall be observed in the choice and summoning juries to attend special Courts:

At which Courts every Jury-man shall be allowed *four shillings per diem* for their charges, and to be paid by him upon whose motion the Court was granted.

L. 1. p. 32.

Jury to finde ac-
cord. to Eviden.

Bench to deter-
mine matter of
equity

And all Juries serving at the Court of Assistants at Boston, shall be Sum-
moned respectively out of the Counties of *Suffolk* and *Middlesex*: And all Jurors so chosen, shall be Imparrelled and sworn truly, to try be-
tween party and party, and shall finde the matter of fact with the damages and costs, according to their evidence, and the Judges shall declare the Sentence, or direct the Jury to finde according to Law; and if there be matter of apparent equity, as the forfeiture of an Obligation, breach of Covenant without damage, or the like, the Bench shall determine such matters of equity.

And no tryal shall pass upon any man for life or Banishment in any in-
feriour Court, but by a special Jury Summoned for that purpose.

Grand-Juries

L. 1. p. 47.

2. It is also Ordered, that there shall be Grand juries Summoned in like manner every year unto the several Courts in each Jurisdiction, to present all misdemeanors they shall know or hear, to be committed by any person within the Jurisdiction, and to do any other service of the Common wealth, they shall be required by the said Court.

Jurors not
bound to reveal
Secrets

A. 55. p. 9.

Jurors allow-
ance

Provided no Juror, nor any person whatsoever shall be bound to inform, present or reveal any private Crime or Offence, wherein there is no peril or danger to this Colony, or any Member thereof, when any necessary tie of Conscience binds him to secrecy, unless it be in Testimonies lawfully required.

And every Grand-juror shall be allowed *three shillings per diem* for his charges, out of the fees and other profits arising in each Court where they do service, or by the County if those in-comes fall short.

3. In all cases wherein the Law is obscure, so as the Jury cannot be satisfied therein, whether it be Grand or Petty Jury, they have liberty to present a special Verdict, viz. If the Law be so in such a point we finde for the Plaintiffe, but if the Law be otherwise we finde for the Defendant, in which case the determination doth properly belong to the Court.

A. 57. p. 25.
Jurys liberty to give a special Verdict

And all Jurors shall have liberty in matter of Fact, if they cannot finde the main issue, yet to finde and present in their Verdict so much as they can.

4. And if the Court and Jury shall so differ at any time about their Verdict, that either of them cannot proceed with peace of Conscience, the case shall be issued and determined at the next Court of Assistants, in manner following, (*i. e.*) the Attachment with the Security for appearance at the County Court, shall be continued to the Court of Assistants: and if the Plaintiffe shall see cause further to prosecute his Action, he shall give summons to the Defendant as the Law provideth, and shall also take out of the Records of the County Court the Records of the said case with the Evidences presented by both parties, and bring the same to the Court of Assistants, where after the case is presented, as it was at the County Court, both parties shall have liberty to make any new Pleas or Evidence before the Bench and Jury: and in case the Plaintiffe shall not further prosecute his Action in manner as is hereby provided, the Defendant shall then have Judgement granted him for his costs, at the next Court of that County.

Court and Jury not agreed, case comes to the General Court

A. 56. p. 14.

5. It is further Ordered, That whensoever any Jury or Jurors are not clear in their Judgements or Conscience, concerning any case wherein they are to give their Verdict, they shall have liberty in open Court (but not otherwise) to advise with any man they shall think fit to resolve or direct them, before they give in their Verdict.

L. 1. p. 31.

Jurys liberty to take advice in open Court

And no Juror shall be compelled to serve above one ordinary Court in a year, except Grand jurors, who shall hold two Courts together at the least, and such as shall be summoned to serve in cases of life and death, or Banishment. [1634, 41, 42, 49, 50, 51, 53, 56, 57.]

Jurors to serve but a year except

6. Whereas in Suits and Actions brought into Courts between party and party, sometimes the Plaintiffe and sometimes the Defendant, and sometimes neither of them do attend to answer when they are called to Prosecute or Answer, which hath been too long connived at by the Magistrates, and much time lost in sending to seek them out, or wait their coming in, whereby the Country charges encreased, and the Magistrates, Jurors, Witnesses and others abused, contrary to the Laudable, Reasonable Practise and Customes of all Courts in our Native Country, and other Countries known unto us;

It is therefore hereby Ordered and Enacted, That if any Plaintiffe, He or Shee have entred any Action to be tryed in any Court, or which comes orderly into any Court, by Replevin, Appeal, or by the disagreement between the Magistrates and Jury in an Inferiour Court, and do not by him or her self, or by their Attornies make their appearance and prosecute their Action immediately after they have been three times called in the Court by Name, after the first forenoon of the Court; that then they shall be Non-suited; and if Plaintiffe or Defendant appear upon such call, they shall have their costs granted by the Court against him or her that doth

Plaintiff and Defendants penalty for not answ. at their call

Plaintiffs liberty
to make new en-
try in case

Delinq. penalty
for not answer-
ing when calld

not appear; and if afterwards both parties do agree to try their case at the same Court, they shall be allowed so to do, the Plaintiffe paying half so much for a new Entry as he did before.

And if any person presented by the Grand-jury for any offence, or Summoned by a Magistrate to answer any crime, do not upon Summons appear at the time appointed, upon the third call as aforesaid, He or Shee shall be proceeded against for contempt, except He or Shee be restrained or prevented by the Hand of God.

Lands, free Lands.

IT is also Ordered, and by this Court Declared, That all our Lands and Heritages shall be free from all Fines and Licenses, upon Aliena-tions, and from all Mariots, Wardships, Liveries, Primerseizins, year, day and waste, Escheats and forfeitures upon the Death of Parents or Ancestors, natural, unnatural, casual or judicial and that for ever. [1641.]

LEATHER.

THis Court considering the several Deceits and Abuses which in other places have been, and are commonly practised by the Tanners, Curriers, and workers of Leather, as also the abuses and inconveniences which accrue to the several Members of this Common-wealth, by Leather not sufficiently Tanned and Wrought, which is occasioned by the negligence and unskil-fulness of those several Trades-men, which before, in and after, it is in the hand of the Tanner may be much bettered or impaired; for prevention whereof;

Butchers, Curri-
ers may not Tan

It is Ordered by this Court and the Authority thereof; That no per-son using or occupying the Feat and Mystery of a *Butcher, Currier or Shoemaker* by himself or any other, shall use or exercise the Feat or My-stery of a *Tanner*, on pain of the forfeiture of *six shillings eight pence* for every Hide or Skin by him or them so Tanned, whilest he or they shall use or occupy any of the Mysteries aforesaid.

Nor shall any *Tanner* during his using the said Trade of Tanning, use or occupy the Feat or Mystery of either *Butcher, Currier, or Shoemaker*, by himself or any other, upon pain of the like forfeiture.

Nor shall any Butcher by himself or any other person, Gash or Cut any Hide of Oxe, Bull, Steer, or Cow, in fleasing thereof, or otherwise, whereby the same shall be impaired or hurt, on pain of forfeiting *twelve pence* for any such Gash, or Cut in any Hide or Skin. Gashing of hides
forfeit 12 d.

Nor shall any person or persons henceforth, Bargain, Buy, make any Contract, or bespeak any rough Hide of Oxe, Bull, Steer or Cow, in the Hair, but only such persons as have and do use and exercise the Art of Tanning. Only Tanners
may buy raw
hides

2. Nor shall any person or persons, using or which shall use the Mystery or faculty of Tanning at any time or times hereafter, offer to put to sale any kinde of Leather, which shall be insufficiently or not thoroughly Tanned, or which hath been over limed, or burnt in the limes, or which shall not have been after the Tanning thereof, well and thoroughly dryed, upon pain of forfeiting that whole Hide, half Hide, or other piece of Leather, wherein one *sixteenth part* shall be found by the Searcher or Sealer of Leather (lawfully appointed) to be either over-limed or insufficiently Tanned, or not thoroughly dried as aforesaid. Leather not to
be overlimed or
insufficiently
Tanned

Nor shall any person using the Mystery of Tanning as aforesaid, set any of their Fats in Tan-hills, or other places where the Woozes or Leather put to Tanne in the same, shall or may take any unkinde heats, nor shall put any Leather into any hot or warm Woozes whatsoever, on pain of *twenty pounds* for every such offence. Penalty.

3. Nor shall any person or persons, using or occupying the Mystery or faculty of Curryng, Curry any kinde of Leather, except it be well and thoroughly Tanned; nor shall Curry any Hide being not thoroughly dried after his wet season, in which wet season, he shall not use any stale, urine, or any other deceitful or subtile mixture, thing; way or means, to corrupt or hurt the same; nor shall Curry any Leather meet for outer sole Leather with any other then good hard Tallow, nor with any less of that then the Leather will receive; nor shall Curry any kinde of Leather meet for upper Leather and inward Soles, but with good and sufficient stufte, being fresh, and not salt, and thoroughly liquored, till it will receive no more; nor shall burn or scald any Hide or Leather in the Curryng, but shall work the same sufficiently in all points and respects, on pain of forfeiture for every such offence, or act done contrary to the true meaning of this Order, the full value of every such Hide marred by his evil Workmanship or Handling, which shall be judged by two or more sufficient and honest skilful persons, Curriers or others on their Oath given to them for that end, by any Magistrate. Curriers duty

4. And every Town where need is or shall be, shall chuse one or two persons of the most honest and skilful within their severall Town-ships, and present them unto the County Court, or one Magistrate, who shall appoint and swear the said persons, by their discretion, to make search and view within the precincts of their limits, in any House, Shop or Warehouse, where they conceive such Leather may be, whether wrought into Shoes, Boots, or otherwise, as oft as they shall think meet and need shall be, who shall have a Mark or Seal prepared by each Town for that purpose; and the said Searchers, or one of them shall keep the same, and therewith shall Seal such Leather as they shall finde sufficient in all respects and no other. And if the said Searchers, or any of them, shall finde any Leather sold or offered to be sold, brought or offered to be Searched or Sealed, which Searchers of Leather to be sworn

n. s. p. 3.

To seize all defective Leather.

shall be Tanned, Wrought, Converted or Used contrary to the true intent and meaning of this Order:

It shall be lawful for the said Searchers or any of them to seize all such Leather and to retain the same in their custody, and if the owner shall not submit to the Judgement of the Officer or Officers, the said Officer so seizing the same, shall within three dayes, call to him four or six men, honest and skilful in such ware to view the same in the presence of the party (or without him having notice thereof) who shall certifie upon their Oaths unto the next County Court of that Shire, or unto one of the Magistrates the defect of the said Leather.

Searching Leather made into Shoes & Boots.

The like power shall the said Searchers have, to search all Leather wrought into Shoes or Boots, as also to seize all such as they finde to be made of insufficient Leather, or not well and sufficiently wrought up:

Searchers default

And if any Searcher or Sealer of Leather, shall refuse with convenient speed, to seal any Leather sufficiently Tanned, Wrought and Used according to the true meaning of this Order, or shall Seal that which shall be insufficient, then every such Searcher and Sealer of Leather, shall forfeit for every such offence, the full value of so much as shall be insufficiently Tanned.

Penalty

Fees.

And the Fees for Searching and Sealing of Leather, shall be *one penny a Hide* for any parcel less then *five*, and for all other parcels, after the rate of *six pence a Dickar*, which the Tanner shall pay upon the Sealing of the said Leather from time to time.

5. Lastly, It is Ordered by the Authority aforesaid, That the several fines and forfeitures in this Order mentioned, shall be equally divided into three parts and distributed, as, *viz.* one third part to the common Treasury of the Shire wherein the offence is committed, another third part to the common Treasury of the Township where the offender inhabiteth, and the other third part to the Seizer or Seizers of such Leather, Shoes, or Boots as is insufficiently Tanned, Curried, or Wrought from time to time. [1642, 51.]

Liberties Common.

Liberty at publick Assemblies

IT is Ordered, by this Court Decreed and Declared; That every man whether Inhabitant or Forreigner, free or not free, shall have liberty to come to any publick Court, Council or Town meeting, and either by speech or writing, to move any lawful, seasonable or material Question, or to present any necessary Motion, Complaint, Petition, Bill or Information, whereof that Meeting hath proper cognizance, so it be done in convenient time, due Order and respective Manner. [1641.]

Fishing and Fowling

2 Every Inhabitant who is an House holder, shall have free Fishing and Fowling in any great Ponds, Bayes, Coves and Rivers. so far as the

Sea.

Sea Ebbes and Flows within the precincts of the Town where they dwell, unless the Freemen of the same Town or the General Court have otherwise appropriated them:

Provided, that no Town shall appropriate to any particular person or persons, any great Pond, containing more then ten Acres of Land, and that no man shall come upon anothers propriety without their leave, otherwise then as hereafter expressed.

The which clearly to determine;

It is Declared, That in all Creeks, Coves and other places about and upon Salt water, where the Sea Ebbs and Flows, the Proprietor, or the Land adjoining, shall have Propriety to the Low-water mark, where the Sea doth not Ebbe above a *hundred Rods*, and not more wheresoever it Ebbs further,

Provided that such Proprietor, shall not by this liberty have power to stop or hinder the passage of Boats or other Vessels, in or through any Sea, Creeks or Coves, to other mens Houses or Lands.

And for great Ponds lying in Common, though within the Bounds of some Town, it shall be free for any man to fish and fowle there, and may pass and repass on foot through any mans propriety for that end, so they trespass not upon any mans Corn or Meadow. [1641, 47]

Liberty to pass through propriety to fish & fowl

3. Every man of, or within this Jurisdiction, shall have free liberty (notwithstanding any Civil Power) to remove both himself and his Family, at their pleasure out of the same, Provided there be no legal impediment to the contrary. [1641.]

Liberty to remove out of the Jurisdiction

L Y I N G.

WHereas Truth in Words, as well as in Actions is required of all men, especially of Christians, who are the professed Servants of the God of Truth; And whereas all Lying is contrary to Truth, and some sort of Lies are not only sinful (as all Lies are) but also pernicious to the publick Weal, and injurious to particular persons;

It is therefore Ordered by this Court and Authority thereof, That every person of the age, of discretion (which is accounted *fourteen years*) who shall wittingly and willingly make, or publish any Lye, which may be pernicious to the Publick Weal, or tending to the damage or injury of any particular person, or with intent to deceive and abuse the People with false News and Reports, and the same duely proved in any Court, or before any one Magistrate (who hath hereby power granted to hear and determine all offences against this Law) such person shall be fined for the first offence *ten shillings*, or if the party be unable to pay the same, then to be set in the Stocks, so long as the said Court or Magistrate shall appoint in some open place, not exceeding two hours.

Age of discretion 14 years

first offence 10. sh or Stock.

For the second offence in that kinde, whereof any shall be legally convicted, shall pay the sum of *twenty shillings*, or be whipped upon the naked Body, not exceeding *ten stripes*.

second offence 20. sh or whipt

Third offence
Fourth offence

And for the third offence *forty shillings*, or if the party be unable to pay, then to be whipped with more stripes, not exceeding *fifteen*.

And if yet any shall offend in like kinde, and be legally convicted thereof, such person Male or Female, shall be fined *ten shillings* a tunc more then formerly, or if the party so offending be unable to pay, then to be whipt with five or six more stripes then formerly, not exceeding *forty* at any time.

The aforesaid fines shall be leavied, or stripes inflicted either by the Marshal of that Jurisdiction, or Constable of the Town where the offence is committed, according as the Court or Magistrate shall direct.

And such fines so leavied shall be paid to the Treasury of the Shire where the cause is tryed.

Liberty to Appeal

If causeless
doably fined

And if any person shall finde himself grieved with the Sentence of any such Magistrate out of Court, he may Appeal to the next Court of the same Shire, giving sufficient security to prosecute his Appeal, and abide the Order of the Court, and if the said Court shall judge his Appeal causeless, he shall be double fined, and pay the charges of the Court during his Action, or corrected by whipping as aforesaid, not exceeding *seventy stripes*, and pay the costs of the Court, and party complaining or informing, and of the Witnesses in the case.

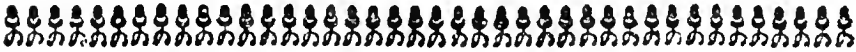
Under age to be
corrected by
Parents

And for all such as being under age of discretion, that shall offend in Lying contrary to this Order, their Parents or Masters shall give them due correction, and that in the presence of some Officer, if any Magistrate shall so appoint; Provided alwayes, that no person shall be barred of his just action of slander, or otherwise, by any proceeding upon this Order. [1645.]

M A N - S L A U G H T E R .

A man may kill
in his own defence

IT is Ordered by this Court and the Authority thereof; That if any person in the just and necessary defence of his life, or the life of any other, shall kill any person attempting to Rob or Murther in the Field or Highway, or to break into any dwelling house, if he conceive he cannot with safety of his own person otherwise take the Felon or Assailant, or bring him to Tryal, he shall be holden blameless. [1647.]



MARITIME AFFAIRES.

WHereas through the Blessing of God upon this Jurisdiction, the Navagation and Maritime Affaires thereof, is grown to be a considerable Interest, the well management whereof, is of great concernment to the publick Weal; For the better Ordering the same for the future, and that there may be known Laws and Rules for all sorts of persons employed therein, according to their severall stations and capacities, and that there may be one Rule for the guidance of all Courts in their proceedings, in distributive Justice;

This Court doth Order and be it Ordered by the Authority thereof;

SECT. I.

That whereas there is many times differences between Owners of Ships, Ketches, Barques and other Vessels, in setting forth their severall parts, whereby damage doth accrue to the particular concernment of Owners, and if not prevented, may be a great obstruction of Trade, where there are severall Owners concerned, as Owners in Ship, Ketch, Barque or other Vessel whatsoever, used for Traffick, Commerce, Fishing, Logge, Board, Wood or Stone, Carriage upon Salt or Fresh-water, all such Owners of lesser part, shall be concluded for the setting forth of his part, by the major part of the whole concerned, such Owners so concluded, having notice given them of the meeting for such conclusion, if they be nigh hand; and in case of any Owner refusing, or by reason of neglect or absence, or not able to provide for the setting forth his part, the Master of such Ship or Vessel may take up upon the Bottome, for the setting forth of the said part, the which being defrayed, the remainder of the income of such part to be paid by the Master to the said Owner.

Minor part owners to be concluded by the major part

SECT. II.

And in case of Freightment, where any Owner shall refuse to assent to the letting out of Ship or Vessel, where he is interessed, such dissenter shall manifest it by some publick act of protest, before the signing of charter party, except the Master or the rest of the Owners, or both, conceal from him or them their actings, then his or their protest after charter party signed by themselves or agents, shall be taken for legal dissent, yet not to hinder the proceed of the Ship or Vessel, but that those so sending her forth shall

Owners refusing to sign charter party to make publick protest. &c.

shall be liable to respond his part upon ensurance according to the Custom of Merchants, which ensurance is to be defalked out of that part of hire, due for such owners which dissented.

SECT. III.

Whereas Masters of Ships or other Vessels, have their Owners live part in one Country and part in another, whereby they have in themselves not only opportunity; and some have made use thereof in their own persons, to represent the major part of the Owners in the place where he comes;

Masters to have but single votes.

It is therefore Ordered, that such Master shall not be taken to have Vote in the ordering of such Vessel further then his own interest, except he make it appear to the rest of the Owners, where he is, that he is Authorized under the hands of such Owners absent, and then he is to have Votes according to the proportion of parts he so stands for, and the majority of parts are to carry it as before; nevertheless it is to be understood, that any Owner hath power to make sale of his part, either to the rest of the Owners, or others, as may be most to his own advantage, and if any Master shall presume to act contrary hereunto, what damage shall be sustained by the rest of the Owners, the Master shall be liable to make good, it being duely proved against him.

SECT. IV.

Penalty of Masters and Mariners for non-attendance on board

All Masters taking charge, as Masters of Ships or other Vessels, and not being sufficient to discharge his place, or that through negligence, or otherwise, shall imbezell the Owners or Employers Stock, or time, or that shall suffer his men to neglect their due attendance on board, both by day and night, especially when or whilst Merchants Goods are on board, and that Himself or Mate be not on board every night, to see good Orders kept, upon defect therein, such Master shall be liable to pay the damage that shall accrue by such neglect, it being duely proved against him.

SECT. V.

Masters to make particular agreement with Seamen

For the Masters better securing their men to them, and to prevent all Coven, they shall make clear agreements with their Mariners, and Officers for their wages, and those agreements enter into a Book, and take the several mens hands thereto, a copy whereof the Master as a Portlige Bill shall leave with their Owners if required of them, before their setting saile upon the Voyage, and all such agreements, the Master shall make good to the Sea-men, and such Ship or Vessel as they saile in, shall be liable for to make good the same.

SECT. VI.

All Masters of greater or lesser Vessels, shall make due and meet provisions of Victuals and Drink for their Sea-men, or Passengers, according to the laudable custome of our English Nation, as the Custome and Capacity of the places they saile from will admit, upon penalty of paying damages sustained for neglect thereof.

Masters to make due provisions &c

SECT. VII.

That no Master shall Ship any Sea-man or Mariner that is shipt before by another Master or Employer upon a Voyage, nor shall any Sea-man ship himself to any other man, until he be discharged from him that shipt him first, upon penalty of him that entertains him to pay one months pay, that such Sea-men agrees for, as also of such Sea-man shipping himself to pay one months pay that he agrees for; the half thereof to be paid to the use of the poor of the Town or place where the offence is committed, the other half to the complainer or informer.

No Masters to entertain Sea-men not discharged. Nor Sea men to enter themselves till cleared &c

SECT. VIII.

No Master of Ship or Vessel shall saile into any Haven or Port, except necessitated thereunto by Wind or Weather, or for want of provision, or for security from Pirates, but such Port as by charter party, or his Bill of Lading he is bound unto, until he hath delivered his Goods according to his engagement; and in case any Master shall take in goods for more Ports and Places then one, he shall declare himself so to do, to those that Freight upon him, and in case he shall voluntarily go to any other Port or Harbour then he is obliged to as above; if damage to the Merchants goods happen thereby, such Master shall make good the same, it being duely proved against him.

Masters prohibited from sailing into any Port but what bound to.

SECT. IX

Any Master hired out or employed by his Owners upon any Voyage, receiving advice from his employers, that the alteration of the Voyage when they are abroad, may be much for their security and advantage, by going to some other port, the Master seeing meet to close with that advice, the Mariners shall not hinder his proceed, unless where any of the Sea-men shall have made a particular contract with the Master to the Contrary,

Masters may alter their voyages in case

Sea-men's Contract to stand good

Provided that they be not carried to stay out above one year, nor be carried to any place where they may be liable to be pressed into a service they are not willing unto.

S E C T. X.

Masters to pay wages according to agreement.

Masters shall see that their Officers and Marriners be duly paid their Wages according to agreement made with them, upon the finishing of their Voyage, without delay or trouble, upon penalty of paying damages for neglect, and all costs that the Sea men shall be at for recovering the same.

S E C T. XI.

Whereas many times Masters take in Merchants Goods on board their Ships or Vessels upon Freight, when yet they are not meetly fitted with suitable Tackling and Sea-men for the security of such Ships or Vessels, and Goods;

Masters, Ships & Seamen to bear loss of goods damaged by their neglect or want of Ground tackle

It is Ordered, That in case any Master of Ship or Vessel, after he hath Laden upon his Ship or Vessel any Merchants Goods to be transported, shall for want of sufficient ground tackle (if to be had) or because of want of sufficient men being on board, come a shore to the damage of such Merchants or Freighters in their Goods, the Ship shall be liable to make good such damages; and in case the defect appear to be in the Master and Men both, or either, the Owners shall recover such damage from them.

S E C T. XII.

Damage upon goods when ships fall foul

Where any Ship-Master hath Mored his Ship or Vessel, none other shall come so near to him first Mored as to do him damage, or receive damage by him, upon the penalty of him so coming, to make good all the damage, and to be farther punished if wilfulness or perverseness in the action be proved against him.

SECT. XIII.

In case any Master of Ship or Vessel under fail, shall run on board any other Ship or Vessel at an Anchor, and damnifie him, the party offending shall pay the damage; and such Ship or Vessel as he failes in shall be liable to arrest for the making good the damage, the damage to be judged by indifferent men, appointed by the Judges thereof, unless the parties agree among themselves

Masters Running on board any ship at Anchor; &c.

SECT. XIV.

In case of los of Goods by reason of throwing some over board to ease the Vessel to save the rest, the Goods thrown over board, shall not be done without the Master and major part of the companies consent, or at least of the Officers with the Master, which Goods shall be brought into an Avarage, and the whole los to be born by Ship, and Goods, and Wages in proportion that are saved, The like course shall be for cutting of Masts, and los thereof, or Boats, Cables or Anchors, as also of Riggins and failes, for the safety of the whole, the Merchants Goods are to bear a part of the los.

Goods thrown overboard by consent of Masters & Officers to be made good by an Avarage

SECT. XV.

In case a Ship or Vessel, at setting forth proves deficient, and gives over the Voyage, the Charges the Merchant hath sustained in Shipping and Landing his Goods, shall be born by the Master and Owners of such Vessel, that presumes to take Goods into an insufficient Bottom.

Damage by an insufficient bottom

SECT. XVI.

Any Ship or Vessel at Sea, receiving damage by the Masters or Mariners negligence, yet bringeth the Merchants Goods home, and delivereth them according to Bills of Lading, he shall receive his freight, but if the Goods be damnified, the Master or Mariners shall make good the damage.

Damage at Sea

S E C T. XVII.

Damage by Ships
breaking loose

If any Ship or Vessel in Storm, shall break loose and fall upon another, and do her damage for want of ground tackle, the Ship breaking loose shall make good the damage; but if it appear the Master, or Marriners, or both, are negligent of freshing their Hoase, or clearing their Cables, they shall pay the damage for such neglect.

S E C T. XVIII.

Marriners absent
without leave

All Marriners being shipped upon a Voyage, and in pay, they shall duely attend the service of the Masters Ship or Vessel for the Voyage, and not absent themselves day or night without leave from the Master, upon forfeit for every offence *five shillings*.

S E C T. XIX.

Officers or Marriners
unruliness

No Officers or Marriners shall be disorderly or unruly, to occasion disturbance in the Ship or other Vessel he is shipped upon, to hinder or damnify the Voyage, to be proved by the Master or other Marriners, or both, upon penalty of paying the damage if able, and in case of inability to pay, to suffer Corporal punishment, as the nature of the offence may appear to the Judges, and in case Master or Marriners shall conceal the offences of such, and refuse to give in evidences therein, they shall be amerced or imprisoned, as the Judges shall see meet.

S E C T. XX.

Ignorant Pilots
or Officers

If any shall undertake the charge of Pilot, Boat-swain, Gunner, or any other Office, in Ship or other Vessel, and not be able to discharge the duty of the place, such shall lose their Wages in part or in whole, and be further punished for their presumption, as the Judges shall see meet.

S E C T. XXI.

All Marriners shall keep true Watch at Sea or in Harbour, as the Master shall appoint, upon pain of forfeit of *twelve pence* for every default, to be defalked out of their wages.

Watch to be kept

S E C T. XXII.

Any Marrinet that hath entred upon a Voyage, and shall depart and leave the Voyage, shall forfeit all his wages, one half to the poor, the other half to the Master and Owners, and be further punished by Imprisonment or otherwise as the case may be circumstanced, to be judged by the Magistrate or Magistrates they are complained to, except such Seaman shall shew just cause for his so leaving the Voyage, and shall procure an Order therefore from Authority.

Marriners deserting the Voyage

S E C T. XXIII.

If any Marriner shall have received any considerable part of his wages, and shall run away from the Ship or Vessel he belongs to, and decline the service of the Master in the prosecution of the Voyage, he shall be pursued as a disobedient Run-away servant, and proceeded with as such a one.

Runaway Marriners

S E C T. XXIV.

If any Marriner shall entertain any Person or Persons on Board the Ship or Vessel he sailes in, without the Masters leave, or Masters or Marriners, shall do it at unseasonable times, he or they shall forfeit *twenty shillings*, one half to the Poor, the other half to the Owners.

Marriners entertaining without Masters leave

SECT. XXV

Out rage upon
the Master

No Sea-man, or Sea-men, or Officer shall commit any outrage upon the Master of any Ship or Vessel, but those so offending shall be severely punished, by fine or other Corporal punishment, as the fact shall appear to be circumstanced to the Judges that shall hear it, and as they shall judge meet; If any Officers or Marriners shall combine against the Master, whereby the Voyage shall be diverted or hindered, or that damage thereby shall accrue to the Ship and Goods, they shall be punished with loss of Wages, or otherwise as mutiniers, as the case may require.

SECT. XXVI.

Ships in distress
not to be left

In case any Ship or Vessel be in distress at Sea, by Tempest or other accident, the Marriners shall do their utmost endeavour to assist the Master in saving Ship and Goods, and not desert him without apparent hazard appear, that by their staying they may lose their lives.

SECT. XXVII.

Marriners to do
their utmost in
Shipwreck to
save the Goods

And in case of suffering Shipwreck, the Marriners are without dispute upon their getting on shore, to do their utmost endeavours to save the Ship or Vessel, Tackle and Apparel, as also the Merchants Goods as much as may; out of which they shall have a meet compensation for their hazard and pains: and any upon conviction of negligence herein shall be punished.

Marriages and Married Persons.

IT is Ordered by this Court and Authority thereof; That no man shall L. 2 p. 17.
 strike his Wife, nor any Woman her Husband, on penalty of such fine
 not exceeding *ten pounds* for one offence, or such Corporal punishment as
 the County Court shall determine.

2. *For prevention of all unlawful Marriages;*

It is Ordered, That henceforth no person shall be joynd in Marriage,
 before the intention of the parties proceeding therein, hath been three Three times pub-
 lished
 times published, at some time of publick Lecture or Town-meeting, in
 both the Towns where the parties or either of them do ordinarily reside,
 or be set up in Writeing upon some post of their Meeting house door in or posted 14
 dayes
 publick view, there to stand so as it may easily be read, by the space of
fourteen dayes. [1639.]

3. *And whereas God hath committed the care and power into the hands
 of Parents for the disposing their Children in Marriage, so that it is against
 Rule to seek to draw away the affections of young Maidens, under pre-
 tence of purpose of Marriage, before their Parents have given way and al-
 lowance in that respect; And whereas it is a common practise in divers pla-
 ces, for young men irregularly and disorderly to watch all advantages for
 their evil purposes, to insinuate into the affections of young Maidens, by com-
 ing to them in places and seasons unknown to their Parents for such ends,
 whereby much evil hath grown amongst us, to the dishonour of God, and da-
 mage of parties; For prevention whereof for-time to come;*

It is further Ordered, That whatsoever person from henceforth, shall
 endeavour directly or indirectly, to draw away the Affection of any Maid
 in this Jurisdiction, under pretence of Marriage. before he hath obtained
 liberty and allowance from her Parents or Governours (or in absence of
 such) of the nearest Magistrate, he shall forfeit for the first offence No motion of
 Marriage to be
 made to any
 maid without
 consent of Pa-
 rents
five pounds, for the second towards the party *ten pounds*, and be bound to for-
 bare any further attempt and proceedings in that unlawful design, with-
 out or against the allowance aforesaid; And for the third offence upon
 information or complaint by such Parents or Governours to any Magi-
 strate, giving Bond to prosecute the party, he shall be committed to prison,
 and upon hearing and Conviction by the next Court, shall be adjudged
 to continue in Prison, until the Court of Assistants shall see cause to re-
 lease him. [1647.] Penalty 5. li.

4. *Whereas divers persons, both Men and Women, living within this
 Jurisdiction, whose Wives and Husbands are in England, or else where, by
 means whereof, they live under great temptations here, and some of them
 committing lewdness and filthiness here amongst us, others make love to Wo-
 men and attempt Marriage, and some have attained it, and some of them
 live under suspicion of uncleanness, and all to the great dishonour of God, re-
 proach of Religion, Common-wealth and Churches;*

It is therefore Ordered by this Court and Authority thereof, for the preven-
 tion of all such future evils, That all such married persons as aforesaid, shall re-
 pair to their said Relations by the first oportunity of Shipping, upon the pain or
 penalty of *twenty pounds*. except they can shew just cause to the contrary to the
 next County Court. or Court of Assistants, after they are Summoned by the
 Constable Married persons
 to go to their
 relations on pain
 of 20 li.

Const. to present
uch to Court

Constable there to appear, who are hereby required so to do, upon pain of *twenty shillings* for every such default wittingly made:

Provided this Order do not extend to such as are come over to make way for their families, or are in a transient way, only for Traffick or Merchandize for some small time. [1647.]

5. *As the Ordinance of Marriage is honorable amongst all, so should it be accordingly solemnized;*

Who may solemniz. Marriage

It is therefore Ordered by this Court and Authority thereof; That no person whatsoever in this Jurisdiction, shall joyn any persons together in Marriage, but, the Magistrate, or such other as the General Court, or Court of Assistants shall Authorize in such place, where no Magistrate is near.

Nor shall any joyn themselves in Marriage, but before some Magistrate or person Authorized as aforesaid.

Not before publication

Nor shall any Magistrate or other person Authorized as aforesaid, joyne any persons together in Marriage, or suffer them to joyne together in Marriage in their presence, before the parties to be Married have been published according to Law. [1646.]

IN Answer to the Question; *Whether it be lawful for a Man that hath buried his first Wife, to Marry with her that was his first Wives natural Sister?* The Court resolves it on the Negative. [1679.]

MARSHAL.

L. i. p. 38,
57.

Marshal to leavy
all Fines

IT is Ordered by this Court and Authority thereof; That every Marshal shall diligently and faithfully Collect and Leavy all such fines and sums of Money, of every person for which he shall have Warrant from the respective Treasurers, or other Authority, which he shall return to the said Treasurer with all convenient speed, upon penalty of forfeiting *two shillings* out of his own Estate, for every Pound not Collected or Returned as aforesaid, or such fine as any Court shall impose upon him for his neglect.

To serve all
Executions

2. And every Marshal shall with all speed and faithfulness Leavy the Goods of every person for which he shall have Warrant, by virtue of any Execution granted and signed by the Secretary, or other Clerk Authorized thereunto; and the said Goods so Leavied, shall with all convenient speed, deliver to the Party or Attorney that obtained the Judgement and Execution, or be liable to make full satisfaction to the party for all damage sustained by his neglect.

To return Exec-
ution to the
Clerk

And the said Marshal shall, within two Months after the receipt of any such Execution, make Return of the said Execution, with what he hath done by virtue thereof under his hand to the Clerk that granted the same,

to

to be by him kept and Recorded; and if the Execution be not fully satisfied, the said Clerk shall at the request of the party, grant Execution for the remainder:

And every Marshal neglecting to make return of Executions as aforesaid, shall forfeit double to the damage any person concerned therein may sustain by such neglect.

3. Further the said Marshals shall with like care and faithfulness, serve all Attachments directed to them, and return the same to the Courts to which they are returnable at the times of the returns thereof, and henceforth no Marshal shall be Clerk or Recorder of any Court. L. 1. p. 50.
Marshal not to be Clerk

4. And it is hereby Ordered, That the Marshals Fees shall be *twelve pence in the pound*, to be paid by the respective Treasurers, for all fines levied by the said Marshals, and returned to the said Treasurers, and for serving Attachments within one mile *one shilling three pence*, to be paid by the party that employs them; and for serving Executions *twelve pence in the pound*, for all sums not exceeding *ten pounds*, and for all sums above *ten pounds* and not exceeding *forty pounds*, *sixpence in the pound more*, and for all sums above *forty pounds*, and not exceeding *one hundred pounds*, *three pence in the pound more*, and *one penny in the pound more* for all sums above *one hundred pounds*, out of the Estate of the person the Execution is served upon, over and above for the execution. L. 2. p. 7.
Marshals Fees

And in all cases, where the aforesaid Fees for Leavying Executions or Tines, will not answer the Marshals travail, and other necessary charges, the Marshal or other Officer employed, shall have power to demand *six pence* per mile, and upon refusal, to Leavy the same together with his other Fees.

5. And it is Ordered, That all Marshals and Constables within this Jurisdiction, shall henceforth from time to time, allow and pay unto the Marshal General *three pence* out of every *fifteen pence* they receive for serving Attachments, also *three pence* out of every *shilling* due to them, for Leavying of Fines and Executions. A. 53. p. 20

And it is further Ordered, That the said Marshal General, shall from time to time have, and enjoy to his own use and benefit, the Custome of *two pence per quart* upon all such as do, or shall Retail strong waters, and all such as shall sell under one Gallon at a time, shall be accounted Retailers, whether Licensed or not, and the one half of the fine of *five pounds* of all such persons as shall upon his information or complaint be convicted to have sold strong waters without License; as also the sole benefit of the Impost of all strong waters brought into the Country, which this Court doth allow as a meet Incouragement and Sallary for the service of the said Marshal General. Marshal General his Fees

6. Whereas the Marshals and their Deputies have often need of Assistants in the execution of their Office; L. 1. p. 10.

It is Ordered that they and every of them, have and shall have the same power to enjoyne and charge any person to aid them and assist them therein as every Constable hath, and whosoever shall refuse, or not yield Obedience thereto, shall incur the like penalty that those do or should do, that Refuse to aid the Constable in his Office. Marshal may require aid as the Constable may

7. And upon cases of Fines and Assessments to be Leavyed, and upon Executions L. 1. p. 45.

Officer may
break open doors
or chests

Execution in civil Actions, the Marshal or other Officer shall demand the same of the party at his house or place of usual abode, and upon refusal or non-payment, he shall have power (calling assistance if he see cause) to break open the door of any House, Chest, or place where he shall have notice, that any Goods liable to such Leavie or Execution shall be, and if he be to take the person, he may do the like, if upon demand he shall refuse to render himself.

Necessary charges
to be leavied

8. And what ever charges the Officer shall necessarily be put unto, upon any such occasion, he shall have power to leavie the same as he doth the Debt, Fine or Execution, and where the Officer shall leavie any such Goods upon Execution, as cannot be conveyed to the place where the party dwells, for whom such Execution shall be leavied without considerable charge, he shall leavie the said charge also with the Execution.

Goods exempt
from Execution

The like Order shall be observed in leavying of fines, Provided, it shall not be lawful for such Officer to leavie any mans necessary Bedding, Apparel, Tools, or Arms; neither Implements of Household, which are for the necessary upholding of his life, but in such cases, he shall leavie his land or person according to Law, and in no case shall the Officer be put to seek out any mans estate further then his place of abode, but if the party will not discover his Goods or Lands, the Officer may take his person:

Officer doing
wrong; to make
satisfaction

9. And it is Ordered, That if any Officer shall do injury to any by colour of his Office, in these or any other cases, he shall be liable upon complaint of the party wronged, by Action or information, to make full restitution. [1647.]

Masters, Servants, Labourers,

Servants not to
give or truck

IT is Ordered by this Court and the Authority thereof, That no servant either Man or Maid, shall either give, sell or truck any Commodity whatsoever without License from their Masters, during the time of their service, under pain of fine, or corporal punishment, at the discretion of the Court as the offence shall deserve.

Work the whole
day

2. And that all Workmen, shall work the whole day, allowing convenient time for food and rest

Servants run a-
way to be pursued

3 It is also Ordered, That when any Servants shall run from their Masters, or any other Inhabitants shall privily go away with suspicion of evil intentions, it shall be lawful for the next Magistrate or the Constable and two of the chief Inhabitants where no Magistrate is, to press Men and Boats or Pinnaces at the publick charge, to pursue such persons by Sea and Land, and bring them back by force of Arms.

4. It is also Ordered by the Authority aforesaid: That the Freemen
of

of every Town, may from time to time as occasion shall require, agree amongst themselves about the prizes and rates of all workmens labour, and servants wages. And every person inhabiting in any Town, whether Workmen, Labourer or Servant, shall be bound to the same Rates, which the said Freemen, or the greater part shall binde themselves unto, and whosoever shall exceed those Rates so agreed, shall be punished by the discretion of the Court of that Shire, according to the quality and measure of the offence; And if any Town shall have any cause of complaint against the Freemen of any other Town, for allowing greater Rates or wages then themselves, the County Court of that Shire shall from time to time, set order therein.

Wages to be set by the Freemen in Towns

5 *And for servants and workmens wages;*

It is Ordered, That they may be paid in Corn, to be valued by two indifferent Freemen chosen, the one by the Master the other by the Servant or Workman, who also are to have respect to the value of the work or service, and if they cannot agree, then a third man shall be chosen by the next Magistrate, or if no Magistrate be in the Town, then by the next Constable, unless the parties agree the price themselves; Provided, if any Servant or Workmen agree for any particular payment, then to be paid in specie, or consideration for default therein; And for all other payments in Corn, if the parties cannot agree, they shall choose two indifferent men, and if they cannot agree, then a third as before.

Wages to be paid in Corn

to be valued

6. It is Ordered, and by this Court Declared; That if any Servant shall flee from the Tyranny and Cruelty of his or her Master, to the House of any Freeman of the same Town, they shall be there protected and sustained till due order be taken for their Relief; Provided due notice thereof be speedily given to their Master from whom they fled, and to the next Magistrate or Constable where the party so fled is Harboured.

Servants flying cruelty of M^r may be harbored

7. Also that no Servant shall be put off for above a year to any other, neither in the life time of their Master, nor after their death by their Executors or Administrators, unless it be by consent of Authority assembled in some Court, or two Assistants, or otherwise all, and every such Assignment to be void in Law.

Servants not put off without allowance of a Mag.

8. And if any man smite out the Eye or Tooth of his Man-servant or Maid-servant, or otherwise maim or much disfigure them (unless it be by meer casualty) he shall let them go free from his service, and shall allow such further Recompence as the Court shall adjudge him.

Servants maimed to be discharged

9. And all servants that have served diligently and faithfully, to the benefit of their Masters, Seven years, shall not be sent away empty; And if any have been unfaithful, negligent or unprofitable in their service, notwithstanding the good usage of their Masters, they shall not be dismissed, till they have made satisfaction according to the judgement of Authority.

Faithful servants reward

unfaithful punished

[1630, 33, 35, 36, 41.]

M A L T.

A. 52. p. 22. **I**T is Ordered, That no Malster or maker of Malt, shall henceforth deliver or pass away any Malt by him or his procurement made before it be cleansed from the dust and tale, which ariseth in the Malting, drying and ordering it in his hands, on penalty of twelve pence per Bushel, upon conviction before any Magistrate or Court, the one half to the Informer, the other half to the Country.

Malt to be cleansed from dust

A. 55. This Court taking into serious consideration the great necessity of upholding the staple Commodities of this Country, for the supply and support of the Inhabitants thereof, and finding by experience the bringing in of Malt, Wheat, Barly, Bisket, Beef, Meal and Flower, (which are the principal Commodities of this Country) from forreign parts, to be exceeding prejudicial to the subsistence of this place and people here;

No Malt, Wheat, Bisket, Beef to be brought on penalty of confiscation

Have therefore Ordered; That no person whatsoever, either Inhabitant or Stranger, shall directly or indirectly after the first of March next, import into this Jurisdiction from any part of Europe, any of the aforesaid Provisions, under the penalty of Confiscation of the same (except it be for the Ships provisions) that shall be so imported, landed, set to sale or otherwise disposed, contrary to the intent of this Order.

Marshal or Constable to seize it.

And it is further Ordered and Enacted, That all Marshals and Constables where no Marshal is in the severall Towns in this Jurisdiction, are hereby required and impowred to make diligent search, within their respective Towns and Harbours where any such Provisions are Landed, Sold or otherwise disposed of, and to make seizure of the same for the use of the Country, for which each and every Marshal and Constable shall have allowed them, one fourth part of what shall be so seized, for their care and pains herein.

The fourth part for their pains

And all former Laws concerning Impost upon any of the Provisions aforesaid, are hereby Repealed. [1652, 55.]

Repealed

IT is Ordered, That the Law prohibiting bringing in of Malt from forreign parts is Repealed, so far as it respecteth the Importation of Malt.

Mills, Millers.

Millers Toll
To have weights

IT is Ordered by this Court and the Authority thereof, That no Miller shall take above one sixteenth part of the Corn he grindes; and that every Miller shall have alwayes ready in his Mill, Weights and Scales, provided at his own charge, to weigh Corn to and from Mill if men desire it. [1635. 38.]

Military.

M I L I T A R Y.

FOrasmuch as the well ordering of the Militia is a matter of great concernment to the safety and welfare of this Common-wealth;

It is Ordered by this Court and the Authority thereof; That the Military forces of *Suffolk*, *Middlesex* and *Essex*, shall be under the command of the Serjeant Majors Chosen in each County; and that the Militia of *Norfolk* shall be commanded by the Major of the Regiment of *Essex*, Provided the said Militia be not drawn out of the said County to any Regimental exercise: And if any of the said Majors be removed or discharged their places, the Major General for the time being, shall within one Month at furthest after such change, send forth his Warrant to each Town in the Shire, to make choice of a Major in manner following, viz. The Freeman, Householders, and such Souldiers as have taken the Oath of Fidelity, before the *fifteenth* of *May*, [1656.] and no other, being met together in their Respective Towns (by virtue of such Warrant from the Major General, or from the General Court) shall give in their Votes for such a person as they judge fit for the Office of Serjeant Major of that Regiment, which Votes shall be sealed up by the chief Military Officer of the place, or by the Constable (as the Warrant shall direct,) and sent by some Freeman, chosen by the Town, to carry them to the Shire Town of that County, at such time as the Warrant shall direct, where the said Votes shall be opened and numbred in the presence of one or two of the nearest Magistrates and the said Freeman, and he that shall have the greater number of Votes being a Freeman, shall be presented by one of the said Magistrates unto the Major General, within one Week after such Election, who shall by giving the Oath accustomed, and delivering him a Commission, Instal and Confirm such Serjeant Major in his place.

Militia commanded by Majors

L. 2. p. 12.

A. 56. p. 12.

Majors how and by whom chosen

2. And every Serjeant Major is hereby Ordered and Required, once in *three years* to draw his Regiment, both Horse and Foot, in one convenient place in the County, and to Instruct and Exercise the Officers and Souldiers in Military Discipline, according to his best skill and ability; for which service he shall have *twenty pounds* allowed him out of the Treasury of the Country for his pains and charges, for every such Meeting: Also every Serjeant Major, may as often as he shall see cause send his Warrants to require the chief Officer of each Company in his Regiment, to meet at such time and place as he shall appoint, and there with them to confer, and give in command such Orders as shall by them be judged meet for the better Ordering and Setling the particular Companies in Military Exercises; and to impose fines and penalties upon such Delinquents as have not given satisfaction to their Captain or chief Officer, for all defects either in their Arms, Amunition, Appearances, Watches, Offences, &c.

Regimental meetings once in three years

Meeting of the Officers of the Regiment

And the Serjeant Major shall with the consent of the said Officers, give Order to the Clerks of the several Companies, to take distress for the same within one Month after such Order.

3. *And for the settling particular Military Officers in every town of this Jurisdiction;*

Nomination of
Officers of com-
panies

To be allowed
by the County
Courts

It is Ordered, that every Freeman, House holder and listed Souldier, having taken the Oath of Fidelity as abovesaid, (and no other) shall have liberty to give his Vote for the Nomination of Military Officers of that Town or Company where he dwells; Provided they be Freemen, and all persons so Nominated shall be presented to the Court of that County, to be allowed and confirmed in their respective Offices, unless the said Court shall see cause to the contrary; and no person shall be acknowledged or accepted as an Officer of any Company without the allowance and approbation of the County Court first had and obtained.

A. 53. p. 13.

64 Soldiers to
be a Company

4. And in every Town where there is *sixty four* Souldiers (liable to attend constant Training) besides the Officers, such number of Souldiers shall be accounted a Foot Company, and have liberty of Nomination of all the Officers of a Foot Company, and shall have two Drums.

And in smaller Towns, where there shall be a less number then *sixty four* as aforesaid, they shall have liberty of Nomination of Serjeanis, and other inferiour Officers only, to teach and instruct them in the exercise of Arms.

Capt Lieu. Enf.
to have commif.

And the Major of the Regiment shall have power to Order and Regulate the smaller Towns, and to joyn them into one compleat Company, (as occasion may require) which shall have liberty of choice of all Officers as aforesaid. And every Captain, Lieutenant and Ensign, shall have Commission from the General Court, for the holding of their places, and exercise of their duties.

Capt. to appoint
the Sould. Arms

To exercise 6
dayes yearly

5. The said Military Officers of every Company, shall take care that their Souldiers be well and compleatly Armed, and shall appoint what Arms every Souldier shall serve with; Provided two thirds of each Company be Musquetiers, and those which serve with Pikes, have Corslets and Head-peices: And they shall exercise their Souldiers Six dayes every year, when the Captain or chief Officer shall appoint, by giving publick warning thereof, three or four dayes before the day of Exercise; Provided, that so many dayes as shall be expended by Order of the Major of the Regiment, in the Exercise of the Regiment, and in marching to and from the place of Exercise, shall be accounted as part of these six dayes.

3 chief Offic. to
punish disorders
of Souldiers

6. Also the three chief Officers of each Company, shall have power to punish such Souldiers, as shall commit any disorder or contempt upon any day or time of Military Exercise, or upon any Watch or Ward, by Stocks, Bilboes, or any other usual military punishment, or by fine, not exceeding *twenty shillings*, or may commit such Offender to the Constable, to be carried before some Magistrate, who may binde him over to the next Court of that Shire, if the cause so require, or commit him to Prison

Souldiers how
to be armed

7. Every Foot Souldier shall be compleatly Armed and Furnished, the Pike-man with a good Pike well headed, Corslet, Head-peice, Sword and Snapfack; the Musquetiers with a good fixed Musquet, not under Bastard Musquet Bore, nor under three foot nine inches in length, nor above four foot three inches long, with a Priming wire, Worm, Scouter, and Mould, fitted to the Bore of his Musquet, also with a good Sword,
Rait,

Rest, Bandeliers, one pound of Powder, twenty Bullets, and two fathom of Match, upon the penalty of *ten shillings* for every defect; And all other Inhabitants of this Jurisdiction, except Magistrates and Elders of Churches, the President, Fellows and Students of *Harvard Colledge*, shall alwayes be provided of Arms, and furnished as aforesaid, under the penalty aforesaid.

Souldiers how to be Armed
on penal. of 10. s
and other inhabitants

8. And if any person cannot procure Arms or Amunition, with such means as he hath, if he shall bring to the Clerk so much Corn as by apprizement of the said Clerk and two other indifferent men (whereof one to be chosen by the party) shall be adjudged of greater value by a fifth part then such Arms or Amunition is of, he shall be excused of the penalty for want of Arms until he be provided; And the Clerk shall endeavour to furnish him so sooth as may be by sale of such Goods so disposed, rendring the party the overplus.

Wanting Arms. to carry pay to Clerk to provide

But if any person shall not be able to provide himself Arms and Amunition, through meer poverty, if he be single, he shall be put to service by some Magistrate, or the Constable shall provide him Arms and Amunition, and shall appoint him when and with whom to earn it out.

Poor how to be furnished with Arms

9. Every person above the age of sixteen years, shall duely attend all Military Exercise and Service, as Training, Watching, Warding, under the penalty of *five shillings* for every fault, except Magistrates, Deputies and Officers of Court, Elders and Deacons, the President, Fellows, Students and Officers of *Harvard Colledge*, and professed School-masters, Physitians and Chyrurgcons allowed by two Magistrates, Treasurers, Surveyor General, Publick Notary, Masters of Ships and other Vessels above twenty Tuns, Fishermen constantly employed at all fishing seasons, constant Herdsmen and such other as for bodily infirmity or other just cause, shall by any County Court, or Court of Assistants (after notice of the parties desire to the chief Officer of the Company to which he belongs) be discharged; also one servant of every Magistrate and Teaching Elder, and the Sons and Servants of the Major General for the time being, also such as dwell at remote Farms, or have a Ferry to pass, shall be exempt from Watching in the Town, but shall Watch and Ward as their chief Officer shall direct otherwise; and all Farms distant above four miles from the place of exercising the Company, or have a Ferry to pass over, that have above twenty Acres of Land in Tillage, and twenty Head of great Cattle upon such Farm, shall upon reasonable allowance to the Company, have one man exempted from ordinary Trainings.

A. 52 p. 13.

Persons exempt from Training

A. 56. p. 12.

A. 53.

10. And it is Ordered, That in every Town or Company there shall be chosen (as other Military Officers are chosen) a discreet able man to be Clerk of the Band, and if any shall refuse to accept the place, or to take his Oath, he shall pay to the use of the Company *forty shillings* and the Company shall chuse another, and all that refuse the place or Oath as aforesaid, shall pay *forty shillings* a piece, till one doth accept the place, and he that doth hold the place, shall have a fourth part of the fines for his labour. And the Clerk shall upon every Training day twice, once in the forenoon, as also in the afternoon, at such time as the Captain or chief Officer then in the field shall appoint, call or cause to be called over, the Lists of the names of all the Souldiers, and shall give attendance in the Field all the day (except he have leave from his Captain or chief Officer) to take notice of any defect by absence of Souldiers or other offences that may fall out in time of Exercise.

Clerk of the Band

To call a Roll & attend on training days

To view the
Arms?

And the said Clerk shall twice every year view all Arms and Amunition of the Company, and take notice that every Souldier be furnished according to this Law; to which end, by direction of the chief Officer, he shall give notice to the Souldiers, that upon such a Training day appointed, they are required to bring (in the forenoon) all their Arms and Amunition into the field, where they shall be approved or disallowed by the judgement of the said chief Officer then in the field; And further the said Clerk shall once in the year at least, Survey the Arms of all other Inhabitants, and see that all (except as before excepted) be provided in their Houses with Arms and Amunition, and upon every occasion, he is required to use all diligence to view every mans Arms, whether they be compleatly furnished with all Arms and Amunition as the Law requireth.

Give notice to
the Captains of
all detechs

to disrain with
in ten dayes

And the said Clerk shall within one week after any default made, or defect observed, present a List of the Names of all that are Delinquent, and of their defects to the Captain or chief Officer of the Company: and shall without partiality demand and receive all fines due for such defaults, according to this Law; which if any shall refuse to pay, he shall make distress upon the Goods of such persons, as shall not within ten dayes after their default be discharged, or have their fines mitigated by the Captain or chief Officer of the Company, unless the said chief Officer shall see cause to refer the Judgement and Determination of such default to the Major and chief Officer of the Regiment at their meeting.

To dispose of
fines for the use
of the Company

And the Clerk shall with the advice of the chief Officers of the Company, speedily lay out all fines received or levied, in *Ensigne, Drums, Halberts, Candle and Wood for the Watch*, or provide *Powder and Arms* for the pooster fort, or otherwise as in their discretion they shall judge meet, for the use of the Company,

11. *And for the better ordering the Militia in the severall Towns, in cases of any suddain exigent;*

A. 52. p. 14.
G. 53.

Committy of M^rs
in the sever-
tal Towns

It is Ordered, That there be a Committy of Militia in every Town, and that the Committy of Militia in *Boston*, shall consist of the Magistrates living in the Town, the chief Officer of the Horse, if living in Town, and the chief Officer of each company of Foot, or the greatest part of them, and in suddain exigents, any three of them may act when due means being used a greater number cannot be assembled; which Committy shall have a Commission, who shall also have power to appoint a Military Watch, when they shall see cause, for the safety of the Town and Country; And *Charlstown, Salem* and *Ipswich* shall have the like Committy of Militia, who shall have like power by Commission: and for all other Towns where there is one or more Magistrates, the said Magistrate or Magistrates, with the three chief Military Officers; and where no Magistrate dwels, the Deputy or Deputies of the General Court, with the three chief Officers of such Town, or any three of them, shall be the Committy of Militia for such Town, and have power in all suddain exigents, to order and dispose the Militia of their Town, for their own safety and defence, till further Order be taken, and upon Alarm, or any Invasion, to strengthen their quarters, and to hinder any approaching or assailing them in a way of Hostility, by bearing Arms in Companies, or refusing upon such approaches to come under command, or give an account what they are, and wherefore they are in such posture.

Their power

In case of Alarm

And every such Committy, where any such Alarm shall be given or received, or shall be assaulted as aforesaid, is required with all possible

speed to give intelligence to the next Magistrate, and the Major of the Regiment where such Alarm is taken, or assault made of the reason thereof, and state of the place so assailed.

And the said Major is hereby required to send forth to procure intelligence of the estate of any place so Alarm'd or Assaulted, and to Order Assistance to them from any other company or companies of his Regiment, as the case shall require, and shall give constant intelligence to the Governour or Council of the Country, and Major General of the state of such affairs with all convenient speed.

But no Major of any Regiment shall march with his Regiment out of the County wherein he hath command, nor cause any part thereof so to do without Order from the General Court, Council of the Commonwealth, or Major General, except it be in pursuit of the Enemy upon a Rout.

And in case of Death or absence of the Major, upon any such occasion of service, the eldest Captain of the Regiment shall supply his place till further Order be taken; and the seniority of all Captains and chief Officers of every Company in the several Regiments, shall be accounted according to the seniority of the Towns or Companies they command, except the Commanders of the four Companies of *Boston*, being of equal standing, the seniority of the Captains shall be according to the priority of their Commissions.

It is further Ordered, That henceforth all Warrants for impressing and raising of Souldiers, for any expedition, shall be directed to the Commodity of Militia of the several Towns, who may execute the same by the Constable, and the said Commodity are hereby impowred and required to suppress all raising of Souldiers, but such as shall be by the Authority of this Government.

And in all Towns where there are great Artillery, Forts or Batteries, the Commodity of Militia, and Select men of the Town, shall mount such Guns, and fit them with appurtenances for service, and repair such Forts or Batteries as they shall see necessary for the security of the Town, the charge whereof the Select men are hereby impowred and required to leave on the Estate of the Inhabitants, according to the proportion of the Country Rate, to be collected by the Constables of the said Town, for the use aforesaid.

WHereas in the Law tit. Military, Sect. 11. the three chief Military Officers in each Town except Boston, together with the Magistrates or Deputies thereof, are appointed a Commodity of Militia for such Towns without mentioning the Officers of the Horse, to be of that Commodity;

This Court doth Declare, That the Commission Officers of the Horse in the Town where they dwell, shall be added thereto, and hereby are appointed and impowred to be of the Commodity of Militia for such Towns where they dwell; Any Law or Custome to the contrary notwithstanding. [1668.]

12. It is Ordered, That the Military Watches shall be set by beat of Drum half an hour after Sun set, by the Military Officers in such places as they shall judge most convenient, and shall be Ordered and Disposed by their command and direction: And if any man shall shoot off a Gun

To give notice to the Major

Major to Order Assistance

To give intelligence to the Council and Major General

Major not to lead his Regiment out of the County

Seniority of Captains

A. 53.
A. 56. p. 12.

Commodity to press Souldiers

A. 54. p. 3.

A. 55.

To take care of great Guns and repair Forts

Commodity of Militia

Military Watch how set

after the Watch is set (except in case of Alarm) he shall forfeit *forty shillings*.

Instruction and
duty of Senti-
nels

The said Watch or Sentinels being set, shall examine all persons that shall come within their Watch or Round, and all they suspect they shall carry to their Guard, there to be kept till morning, and before they be dismissed, they shall carry them to their chief Officer to be examined and proceeded with according to law;

What shall be
taken for an A-
larm.

And if the Sentinel of Watch shall meet with such persons as shall be too strong for them, or by their carriage shall give just cause of suspicion, or will not submit to their command, or if they shall either draw upon them, or offer any such affront in Words or Actions, as shall put them in fear or hazzard of their lives, they shall discharge upon them, and retire with speed to the Guard and raise an Alarm; Provided always that in time of peace, when the Council of War, or the chief Officers of the Company shall not apprehend present danger by the nearness of an Enemy, it shall not be in the liberty of any Sentinel to hazzard the killing of any person, except in his own necessary defence; but if the cause require it, he shall retire to the Guard and raise an Alarm by discharging his Musquet and crying Arm, Arm, which shall be taken for an Alarm by the Souldiers of that Town; and if there appear danger to the chief Officer, he shall either strengthen his Guard, or give a general Alarm, which shall be either the distinct discharge of three Musquets, or the continued beat of the Drum, or firing a Beacon, or the discharge of a piece of Ordnance and two Musquets after it, any of which in the night shall be accounted a general Alarm, which every Souldier is immediately to answer, by repairing Armed to his Colours or Court of Guard, upon the penalty of *five pounds*.

Not answering
the Alarm pen-
ty 5 ll.

Smiths to repair
Arms

13. And upon any expedition, upon occasion of any Enemy, or any present Military Service to be done, all Smiths and other needful workmen, shall immediately repair such Arms and other Necessaries as shall be brought unto them for that end, for which, they shall not refuse such pay as the Country affords, upon the penalty of *five pounds* for every such default, and for such neglect at any other time more then ten dayes, shall forfeit for every such offence *ten shillings*.

Penalty

A. 56. p. 12. 14. The Surveyor General shall yearly give an account of the common stock of Powder and Amunition to the Council, that the General Court being by them informed, may out of the publick Treasury make a constant supply according to the need of the Country.

L. 2. p. 1.

15 Every Town shall be provided of a sufficient Watch house, under the penalty of *five pounds*, and shall also provide at their own charges a safe and convenient place to keep all such Powder and Amunition in, as the chief Military Officer by Order of the General Court shall appoint, under the penalty of *ten pounds*.

Towns to pro-
vide watch-hous
and stock of Pow-
der & amunition

And the Select men of every Town, shall provide for every fifty Souldiers, one Barrel of good Powder containing near one hundred pounds, one hundred and fifty pounds of Musquet Pullets, and eight and twenty pounds of good Match, and after that proportion for every Company of Souldiers, in number more or less; which they shall carefully renew from time to time as shall be needful, under the penalty of *five pounds* for the want of every Barrel of Powder, one hundred and fifty pounds of Bullets and eight and twenty pounds of Match as before mentioned and

the Select men of every Town as aforesaid, are hereby Authorized to assess their Inhabitants for making the provisions aforesaid, which shall remain as a Town-stock, besides all other Provisions of that kinde. [1649.]

16. It is Ordered by this Court and the Authority thereof; That no Troop of Horse within this Jurisdiction, shall exceed the number of seventy Listed Souldiers besides Officers; and that the Troops raised in the several Counties be under the Command of the Majors of the Regiment in the respective Counties, and all priviledges formerly granted to encourage Troopers shall be continued, except free Ferrage, and free Commonage in divided and appropriate Commons: And every Troop consisting of forty, shall have liberty of Nomination of all Officers to be allowed and confirmed by the County Courts as the Foot Officers, and the three chief Officers to have Commissions.

A. 56. p. 12.
Troop not exceed 70 to be under Majors command.
A. 54 p 1.
A. 56. p. 12.

And every Trooper shall keep alwayes a good Horse, and be well fitted with Saddle, Bridle, Holsters, Pistols or Carbines and Swords, under the penalty of ten shillings for every defect, and having Listed his Horse, shall not change or put him off without License from his Captain or chief Officer under the like penalty.

Troopers how to be furnished
To exercise six dayes yearly

And every Trooper shall attend six dayes exercise yearly, at such time and place as shall be appointed by the chief Officer, under the penalty of five shillings for every default, to be leavied and distreined by the Clerk of the Troop, who is hereby required to execute the place as the Clerks of the Foot Companies *mutatis mutandis*.

And because the Troopers living remote do often avoid their penalties, or occasion much travail and charge to the Clerk to collect the same;

It is Ordered that the Clerks of the Troops for their charge and travail in leavying all fines, shall be allowed the Fees of the Marshal, to be by him leavied and distreined together with the fines; Provided no such distress be made within one Month after the default, that the parties may have liberty to present their excuses to the Officers, who have power upon just cause to abate or remit the fines, as the Officers of the Foot have in like cases.

Clerk his fees
A. 53.
New Troops are disposed in case of Alarm
No Troop to be drawn out of the County

And in case of Alarm, every Troop shall fit himself in all respects for service, and shall speedily repair to the Guard in the Town where he dwells, under the penalty of five pounds, and shall duely attend such service as the Committee of Militia of that Town shall require, until he shall otherwise be commanded by Order from his Captain or other Superiour Officer: And no Officer of any Foot Company shall be a listed Trooper. And no Troop shall be drawn out of the County upon any pretence by the Captain and Officers thereof (except in pursuit of an Enemy upon a Rout) but by Order of the Major General. And the Captains of Horse and of Foot respectively, the Majors of the Regiments, and the Major General are required in their respective charges, to take care the Military Orders respecting Foot and Horses be duely executed and observed. [1645, 47, 48, 52, 53, 54, 55, 56.]

Also it is Ordered; That no Trooper put off or change his Horse without leave from his Commander, under the penalty of five pounds, and that for non-appearance on dayes of exercise, the fine shall be ten shillings, and that no Trooper being Listed may at his pleasure disband himself without leave orderly obtained from his Commander, and returned by certificate to the Commander of the Foot in the Town to which they belong, under the penalty of such a fine as his chief Officer shall impose, not exceeding fifty shillings.

Troopers penalty

For a more full and clear understanding of the intent of this Court in reference to Commissions granted to Military Officers;

It is Ordered and hereby Declared, That all Commissions of inferior Officers be and do stand good and in force, notwithstanding the death or removal of their Superior Officers.

Officers Com.
missions

It is also further Ordered, That all trained Souldiers, whether Horse or Foot, shall repair to their several Quarters and lodge their Arms, immediately after their dismissal upon Training dayes: And whosoever shall either singly or in companies remain in Arms, and vainly spend their time and Powder by inordinate shooting in the day or night after their Release; such Souldiers upon conviction shall be punished by their Superior Officers order, upon the next Training day at the head of the Company, by sharp Admonition, or otherwise, with any usual Military punishment at the discretion of the chief Officer: Provided the Magistrate have not taken notice of the matter before.

Disorder in
Souldiers to be
punished by the
Officers

It is also further Ordered; That all Souldiers, whether Horse or Foot, who shall disobey the lawful commands of their Superior Officers upon any Training day, either in time of exercise in the Body, or otherwise refusing to perform any service which their Officers in their discretion shall judge expedient in order to the furtherance and promoting Military work; such refractory Souldiers shall be punished either by Admonition or otherwise, at the head of the Company with any usual Military punishments, at the discretion of the chief Officers.

Repealed.

It is also further Ordered, and be it hereby Enacted, that the Law limiting Troops, not to exceed seventy persons in a Troop, as also for allowance of five shillings per Annum is hereby Repealed, in reference to any that shall be listed after the publication of this Order.

And that henceforth none shall be admitted to be a listed Trooper, but such whom themselves or Parents under whose government they are, do pay in a single Country Rate for one hundred pounds estate, and in other respects qualified as the Law provides: And the same certified under the hand of the Constable of the Town where they live. [1663.]

Forasmuch as complaints have been made to this Court, of very great inequality in keeping and maintaining of Military Watches, the burthen of that service lying mainly, if not altogether upon such as bear Arms; when several persons of good Estate are free; All which considered,

Military Watches

It is Ordered, that henceforth all persons whatsoever, within this Jurisdiction, who are liable to serve in Constables Watches, shall also be liable to the like service in all Military Watches, either in their own persons, or by a sufficient supply to be made by all such persons as aforesaid, or shall pay twelve pence in money, and that under the penalty of five shillings for every such neglect, to be levied by the Clerk of each Company, by Warrant under the hand of the chief Officer of the same. [1664.]

WHereas this Court hath already provided for the well ordering and setting the Militia of this Common-wealth, as in the Law tit. Military, yet forasmuch as many Complaints are presented to this Court, that the said Orders are not so attended as is to be desired; considering the present juncture of affairs between our English Nation and foreign Enemies, who are now engaged in a Bloody War, which calls for a prudential endeavour of our own safety against any, forreign Inuasion or suddain Surprizal,

Major General & Majors power to see that all the Arms of the Country be ready fixt

This Court doth therefore Order and Enact, That the said Military Laws be by all persons therein mentioned, forthwith attended in all respects, And for the better effecting the same, the Major General is required forthwith by warrant under his hand to the Majors of the several Regiments, to require them to make diligent inquiry into the state of the several Companies under their charge, and to be certified under the hands of the Commission officers, or chief Officers where no Commission Officers are of each Company, of all defects of Arms, Amunition or otherwise in every respect; And the said Majors respectively are required to give speedy advice to the Major General what posture their said Regiments are in, and wherein the said Majors cannot of themselves forthwith make redress of any defects in the said Companies, the said Majors with the advice of the Major General have hereby power to use all lawful means to effect the same.

And all inferiour Officers are hereby required to yield ready Obedience to all such Warrants sent to them by the said Majors respectively, or Major General, upon the penalty of five pounds for every such defect, to be levied by distress by such person as the said Major General and Majors of the Regiments shall depute, which said fines shall be for a Stock of Powder for the said Company where the defects arise from time to time.

Five pounds penalty for defects of inferiour Officers

All the fines to go to procure a Stock of powder for the company where the defects arise

And whereas several Towns in this Jurisdiction, are not under the Command of any Serjeant Major, as Dover, Portsmouth, &c. as also the Towns of the County of Hampshire;

It is Ordered, That the Major General take care for regulating of the Military affaires of such Towns, till they are brought under a Major as in other Counties; And all Military Officers of such places are required obedience to the Orders of the Major General from time to time, upon the penalty above mentioned for every defect. [1666.]

The several Towns that are not under Majors of Regiments to be regulated & ordered by the Major General

WHereas the Law, tit. Military Sect. 7. requires every Pike-man to be compleatly furnished (amongst other weapons with a sufficient Corset) This Court considering that Corsets are wanting to many Souldiers in several Companies, and that supplies therein are not easily to be attained;

It is therefore now Ordered, and by the Authority of this Court Enacted; That every Pikeman within this Jurisdiction, shall be compleatly furnished, either with a sufficient Corset, Buffe Coat or Quilted Coat, such as shall be allowed by the chief Officer, under whose command they from time to time shall serve, upon the penalty in the recited Law already expressed; any Law, Custome or Usage to the contrary notwithstanding. [1666.]

Pike men to provide Buffe Coats or Quilted coats

T His Court considering the direction of our Patent, regulating to the stating of all Military Officers in this Jurisdiction;

How Officers are to be chosen

Do hereby Order and Declare; That all Commission Officers that at present are in power, are confirmed according to their respective Commissions; but for the time to come where new are to be chosen, it is only in the power of the General Court, or in case of emergency for the Council of the Common-wealth, to Nominate, Choose, Appoint, and Impower all Commission Military Officers; excepting the Major General, and Admiral by Sea, the choice of whom are otherwise provided for by Law; and for all inferiour Officers in Companies, they are to be chosen and appointed by the Commission Officers of that Company, and where no Commission Officer is by the Major of the Regiment. [1668.]

T He Court considering that the Regiments are multiplied from three to six since the Law was made, requiring the Sergeant Majors of every Regiment to draw forth his Regiment once in three years, to exercise them in Military Discipline;

Regimental meetings

Do Order, That henceforth the Regimental Meetings shall be in this following Order; *i. e.*

Suffolk this present year, 1671.

Norfolk including the County of *Portsmouth* and *Dover*, 1672.

Middlesex Anno 1673.

Yorkshire Anno 1674.

Essex Anno 1675.

Hampshire Anno 1676.

And so to be continued in this Order successively from time to time.

And the Majors of *Norfolk*, *Yorkshire* and *Hampshire* are allowed towards their expenses and entertainment, occasioned by that service ten pounds a piece respectively for the time of that service, to be paid by their respective County Treasurers.

And it is also Ordered, That henceforth the allowance of twenty pounds a piece granted formerly to the Majors of the three old Regiments, shall be paid by the County Treasurers respectively, for such their service, any thing contrary hereunto contained in the Military Law, Sect. 2. notwithstanding. [1671.]

M I N E S.

L. 2. p. 12.
Discoverers of
Mines to enjoy
the profits for 21
years.

FOR encouragement of such as will adventure for the discovery of Mines; It is Ordered by this Court, That whosoever will be at the charge for the discovery of any Mine within this Jurisdiction, shall enjoy the profits thereof, with a fit proportion of Land to the same, for twenty one years.

years to their proper use, and also that such persons shall have liberty to purchase the interest of any of the Indians in such Lands where such Mines shall be found, provided they shall not enter upon any Towns or persons Propriety without his leave. [1641.]

2. And any Inhabitant within this Jurisdiction, that shall have or finde any kinde of Mine or Mines whatsoever, in any of their own proprietios, the whole benefit and profit of such Mines are due and shall belong to such Proprietor of Land wherein such Mine shall be found, to them and to their Heirs for ever, as any part of their Lands, Minneries; Possessions or Profits whatsoever, paying onely the fifth part of Gold and Silver Oar accordind to proviso, made on that behalf.

MONET.

IT is Ordered by this Court and the Authority thereof; That a Mint-house be Erected at *Boston*, and that the Master of the said Mint, and all the Officers thereof shall be sworn and allowed by this Court, or by such as shall be Authorized by this Court for that purpose.

A. 52. p. 12.

Mint house at Boston

And all persons whatsoever, have liberty to bring into the said Mint, all Bullion, Plate or Spanish Coyn, there to be melted, and brought to Alloy of Sterling Money by the Master of the said Mint and his sworn Officers from time to time, by him or them to be Coynd into *twelve penny, six penny, and three penny* pieces, which shall be stamped with a double Ring on either side, with this Inscription, MASSACHUSETTS and a Tree in the center on the one side, NEW-ENGLAND with the year of our Lord, and the figure XII. VI. III. according to the value of each piece on the other side, together with a privie mark, which shall be appointed every three Months by the Governour, and known onely to him and the sworn Officers of the Mint.

Stamp of the Coyn

And further, the Master of the Mint aforesaid, is hereby required to Coyn all the said Money of good Silver, of the just Alloy of new Sterling English Money, and for value *two pence* in the *shilling* of lesser value then the present English Coyn, and the lesser pieces proportionably: And all such Coyn as aforesaid, (and no other except English) shall be acknowledged to be the current Money of this Common-wealth, and to pass from Man to Man in all payments accordingly within this Jurisdiction.

Value of the Coyn

And the Mint master for himself and Officers, for their pains and labour Melting, Refining and Coyning is allowed by this Court to take *one shilling* out of every *twenty shillings*, which he shall stamp as aforesaid, and it shall be in the liberty of any person, who brings into the Mint-house any Bullion, Plate or Spannish Coyn, to be present and see the same Melted, Refined and Alloyed, and then to take a Receipt of the Master of the Mint for the weight of that which is good Silver Alloyed as aforesaid, for which the Mint master shall deliver him the like weight in current Money, viz. every *shilling* to weigh *three pence Troy weight*, and lesser pieces proportionably, deducting allowance for Coynage as before is expressed.

Allowance for Coyning

Weight of the Coyn.

Mint masters &
Officers to be
known

And it is further Ordered; That a Committee be chosen by this Court to appoint a Mint house in some convenient place in Boston, and to approve and swear the Master and all the Officers, and to Order and Determine what shall further appear necessary to carry on this Order to effect.

A. S. P. S.

Exportation of
Coyn prohibited
on pain of con-
fiscation of estate

2. And it is further Ordered; That no Inhabitant of this Jurisdiction or Stranger, shall from henceforth send, carry or transport out of this Jurisdiction, by Sea or by Land, directly or indirectly, any of the Money that hath been or shall be Coyned in this Jurisdiction, except *twenty shillings* for necessary expences, on penalty of Confiscation, not only of such money so Coyned, but also all the visible estate of him that shall any way be found sending or exporting any of the Coyn aforesaid, one third part whereof shall be to the use of the Informer and Officer, the other two thirds to the Country.

And that this Law may be duely observed;

Searchers to be
appointed

The County Courts shall from time to time, as there shall be need in Boston, Charlestown, Salem, Ipswich, Pascataqua, Isles of Shoals, Sudbury, and other needful places, appoint and Authorize meet persons, as Searchers, to examine and search all Persons, Vessels, Packs, Trunks, Chests, Boxes, or the like, that shall be transporting out of this Jurisdiction, who finding any Money shall seize the same, and forthwith inform the next Magistrate thereof, who shall issue out his Warrant for the present seizure of the whole visible Estate of the party so transporting contrary to this Law, for the use of the Common wealth; And for the parties searching or informing as is above exprest.

To take an Oath

And it is further Declared, That all such Masters, Marriners or other persons, that shall be found to be privy or consenting to the exporting of any of the Coyn aforesaid, out of this Jurisdiction, he or they shall for every such offence forfeit the sum of *twenty pounds* a piece, to be to the uses aforesaid, And the several Searchers shall take the Oath appointed for Searchers, only in stead of half, a third part to be inserted, and in stead of certifying the Auditor General, to insert to certifye the next Magistrate. [1652. 54]

For the better execution of the Law pag. 62. sect. 2. for the restraining the Exportation of Money;

It is Ordered by this Court and the Authority hereof, That the persons hereafter named, viz.

For Boston, Captain James Oliver, and Mr. Thomas Brattle or either of them.

For Charlestown, Captain John Allen.

For Salem, Mr. Edward Batter.

For Pascataqua, Mr. Elias Stileman.

For Marble-head, Mr. Samuel Ward.

For Dedham, Ensign Fisher.

For Braintree, Moses Pain.

For Malberow, William Kerly.

For Springfield, Laurence Bliss.

Be all and every of them appointed, impowered and required to search for, and seize all Monies of the Coyn of this Jurisdiction, that shall be found or discovered in any Ship or any other Vessel that hath weighed Anchor to depart

Commissioners
to search for
Money, &c

depart from that Port where she ladeth, or all such Money that shall be found in any persons Pocket, Cloak-bag, Portmantle, or any other thing belonging to them, after such person hath taken Horse back, to proceed and travail in his or their Journey out of this Jurisdiction, from the first Town or Station whence such persons begin their Travail: And all Money that such Searcher shall finde (except so much as is allowed by Law) he shall safely keep it until the next Court of the Shire, and then present the same unto the said Court; and if it be judged by the Court to be forfeited according to Law, then the said Court are required to order the delivery of one third part to the Officer that seized the same, and the other two third parts to return to the publick Treasury of the Country.

And it is further Ordered, That the Searchers before-named, are hereby impowred to break open any Chest, Trunk, Box, Cabin, Cask, Truss, or any other suspected place or thing, where they or any of them conceive Money may be concealed, and feize the same: And also they or either of them are impowred to require such Assistance from any Constables or others, as to them may seem expedient, who are to aid them upon the penalty of *forty shillings* fine for every neglect. [1669.]

MONOPOLIES.

IT is Ordered, Decreed, and by this Court Declared; That there shall be no Monopolies granted or allowed amongst us, but of such new inventions that are profitable to the Country, and that for a short time. [1641.]

Oaths Subscriptions.

IT is Ordered, and by this Court Declared; That no man shall be urged to take any Oath, or subscribe to any Articles, Covenants or Remonstrances of Publick and Civil nature, but such as the General Court hath considered, allowed and required; and no Oath of any Magistrate or of any Officer, shall binde him any further or longer then he is resident or reputed an Inhabitant of this Jurisdiction. [1641.]

No Oaths but what are imposed by the General Court

Officers Oath how long binding

2. Forasmuch as divers Inhabitants of this Jurisdiction, who have long continued amongst us, receiving protection from this Government, have as we are informed uttered offensive Speeches, whereby their fidelity to this Government may justly be suspected, and also that divers Strangers of forreign parts do repair to us of whose fidelity we have not that assurance which is commonly required of all Governments;

A. 52. p. 9.

Strangers to
swear fidelity to
this Governm.

It is therefore Ordered by this Court and the Authority thereof, That the County Courts or any one Magistrate out of Court, shall have power, and is hereby Authorized to require the Oath of Fidelity of all settled Inhabitants amongst us, who have not already taken the same, as also to require the Oath under-written of all Strangers, who after two Months have their Abode here; And if any person shall refuse to take the respective Oath, he or they shall be bound over to the next County Court or Court of Assistants, where if he shall refuse, he shall forfeit five pounds a week, for every week he shall continue in this Jurisdiction after his said refusal, unless he can give sufficient security to the satisfaction of the Court or Magistrate for his Fidelity during his or their residence amongst us:

Strangers Oath.

You A. B. do acknowledge your self subject to the Laws of this Jurisdiction, during your residence under this Government; And do here Swear by the great Name of the Everliving GOD, and engage your self to be true and faithful to the same, and not to Plot, Contrive or Conceal any thing that is to the hurt or detriment thereof. [1652.]

O P P R E S S I O N.

For avoiding such mischiefs as may follow by such inassposed persons, as may take liberty to oppress and wrong their Neighbours, by taking excessive Wages for their Work, or unreasonable prizes for such Merchandizes or other necessary Commodities as shall pass from Man to Man;

It is Ordered; That if any Man shall offend in any of the said cases, he shall be punished by fine or imprisonment, according to the quality of the offence as the Court to which he is presented, upon lawful tryal and conviction shall adjudge. [1635.]

P A Y M E N T S.

A. 54.p. 4.

Debts to be paid
in the kind con-
tracted for

It is by this Court Ordered and Declared; That all Contracts and Engagements for Money, Corn, Chattel or Fish, shall be satisfied in kinde according to Covenant, or in default of the very kinde contracted for, in one of the said kindes; Provided that in such cases where payment in kinde is not made according to Covenant, all just damages shall be satisfied (together with the Debt) for not paying in kinde according to bargain.

bargain; And in no case shall any Creditor be forced to take any other Commodities for satisfaction of his debt, unless it be according to his Contract, but it shall be lawful for such Creditor to imprison the party till he make satisfaction according to Covenant, or to take upon Execution such Goods, Houses or Lands, as shall be to his satisfaction; any Law, Custome or Usage to the contrary notwithstanding. [1654.]

Debts to be paid in the kind of contract

VV *Hereas the Law tit. Payments pag 63. doth make Corn, Cattle and Fish equal with Money and to be paid as Money, when Money is intended for, which at that time when the Law was made was as good as Money, but now is otherwise, and proveth prejudicial and injurious, as experience sheweth upon several accounts: ther fore as an Addition to, and explanation of that Law;*

This Court doth Order and Enact, That henceforth all Contracts, Agreements, Engagements or Covenants for any specie whatsoever, shall be paid in the same specie Bargained for; Any Law, Usage or Custome to the contrary notwithstanding. [1670.]

All contracts & agreements to be made good by payment in specie contracted for, &c.

PETITIONS.

IT is hereby Ordered; That all Petitions to the General Court, which are of a common and ordinary nature, the Petitioner shall pay on the delivery thereof to the Secretary or Clerk *two shillings six pence* for each Petitions; And all Petitions for abatements of fines, mitigation of penalties, &c. shall pay unto the Clerk or Secretary as aforesaid *ten shillings*, And all Petitions for Gratuities, or that concern Controversies between party and party, Town and Town shall pay *ten shillings*; And all Petitions for Debts, or other controversies between party and party brought from Inferiour Courts, shall pay *ten shillings* besides the charges of the Court during the trial of such cause.

L. 2 p. 13.

Payment for entering Petitions in the General Court

And henceforth no Petition whatsoever, shall be received into the General Court, after the first four dayes of the Court of Election, nor after the first week of any other Session.

A. 54 p. 1.

Nevertheless, It is hereby Ordered; That all such Petitions that concern any engagement of the Country to any person, are hereby exempted; And that any Magistrate or Deputy of the Court may present any Petition, wherein his own personal right is concerned without payment, and that there shall be a true Entry made by the Secretary of the number of Petitions that shall be delivered to the Magistrates, and the like account shall be kept by the Clerk of the Deputies, of all Petitions received by the Deputies, and all such fees as are produced by such Petitions, shall be received or secured by the Secretary or Clerk. and discounted in part of their Annual allowance. [1648, 54.]

Time of Entry

petitions exempt from payments Secretary and Clerk to secure the pay

PIPE-STAVES.

VV Hereas information hath come to this Court from forraign parts, of the insufficiency of our Pipe-staves, especially in regard of worm-holes, whereby the Commodity is like to be prohibited in those parts, to the great damage of the Country;

It is therefore Ordered by this Court and the Authority thereof; That the Select men of *Boston, Charlstown, Salem, Dover, Portsmouth, Kitterie,* and all other Towns in this Jurisdiction, where Pipe-staves use to be shipped, shall forthwith, and so from time to time, as need shall require, nominate two men of each Town, skilful in the Commodity, and such as can attend the service, to be viewers of Pipe staves, who so chosen, shall by the Constable be convented before some Magistrate, to be sworn diligently and faithfully to view and search all such Pipe staves as are to be transported to any parts of *Spain, Portugal,* or within either of their Dominions or elsewhere, to be used for making of tight Cask, who shall cast by all such as they shall judge not Merchantable, Both in respect of worm-holes and due Affize, viz. that are not in length *four foot and half,* in breadth *three inches and half* without sap, in thickness *three quarters of an inch* and not more or less then an eighth part of an inch then *three quarters* thick, well and even hewed and sufficient for use.

And they or some one of them, shall at all times upon request give attendance, and they shall enter into a Book the number of all such Merchantable Pipe staves as they shall approve, and for whom.

And if any Man shall put aboard any Ship or other Vessel any Pipe-staves other then shall be so searched and approved, to the end, to be transported to any part of *Spain or Portugal,* except they should be shipped for dry Cask, he shall forfeit the same whole parcel or the value thereof, and the said Viewers shall be allowed *two shillings* for every thousand of Pipe-staves which they shall so search, as well the Refuse as the Merchantable, to be paid by him that sets them on work.

And if any Master or other Officer of any Ship or other Vessel, shall receive into such Ship or Vessel, any parcel of Pipe-staves, to be transported into any of the said Dominions, which shall not be searched and allowed as Merchantable, and so certified by a note under the hand of one of the said Viewers; such Master shall forfeit for every thousand of Pipe-staves so unduely received *five pounds,* except he can procure one of the said Viewers to come aboard and search such Staves as they shall be delivered into the Ship:

Provided, Cast or Refuse Staves, or other Red Oak Staves may be transported into those parts (which may be of good use for Dry Cask) so as the same be carried in distinct parcels, and not intermixt with Merchantable Staves. [1646.]

Searchers of
Pipe Staves

Sworn

Affize of Pipe-
staves

Pipe Staves shipped
unsearched to
be forfeit

Searchers allowed

Masters of Ships
receiving un-
searched Staves
forfeit 5 li.

Dry Cask Staves

P O O R.

IT is Ordered by this Court and the Authority thereof; That any Shire Court or any two Magistrates out of Court, shall have power to determine all Differences about lawful settling and providing for poor persons; and shall have power to dispose of all unsettled persons into such Towns as they shall judge to be most fit for the maintenance and employment of such Persons and Families, for the ease of this Country. [1639.]

And for the avoiding of all future inconveniences referring to the settling of poor people that may need relief from the place where they dwell;

It is Ordered by this Court and the Authority thereof; That where any person with his Family, or in case he hath no family, shall be resident in any Town or Peculiar of this Jurisdiction for more then three months, without notice given to such person or persons by the Constable or one of the Select-men of the said place, or their Order, that the Town is not willing that they should remain as an Inhabitant amongst them; And in case after such notice given, such person or persons shall notwithstanding remain in the said place, if the Select-men of the said place shall not by way of complaint, Petition to the next County Court of that Shire for relief in the said case, and the same prosecuted to effect; every such person or persons (as the case may require) shall be provided for, and relieved in case of necessity, by the Inhabitants of the said place where he or shee is so found.

Order that settle poor

And it is further Ordered, That each County Court shall from time to time hear and determine all Complaints of this nature, and settle all poor persons according to directions of this Law, in any Town or Peculiar within this Colony; and every such person or persons shall accordingly, be entertained and provided for by the Select-men or Constable of the said place, at a Town charge; And in case any Town or Peculiar shall finde themselves agrrieved at such disposure of the County Court, they may Appeal to the next Court of Assistants; And where any person or persons cannot according to this Law be settled in any Town or Peculiar, they shall then be placed in any Town of that County wherein they are found, according as the County Court shall appoint, and their charges satisfied unto them by the County Treasurer.

P O S S E S S I O N.

THe Court taking into consideration the great neglect of many persons, in the Infancy of these Plantations, to observe any due order or legal course for the confirmation of such Sales and Alienations of Houses and Lands, as have passed from man to man, which thing may several wayes be of very evil Consequence to Posterity. A. 58. p. 28.

Title to Inheri-
tances limited
within 5 years

Doth therefore Order and hereby Enact; That any person or persons, that hath either himself or by his Grantees or Assignes, before the Law made for direction about Inheritances, bearing date *October the nineteenth, one thousand six hundred and fifty two*, Possessed and Occupied as his or their own proper Right, in fee simple, any Houses or Lands within this Jurisdiction, and shall so continue, whether in their own Persons, their Heirs or Assignes, or by any other person or persons, from, by or under them, without Disturbance, Let, Suit or Denial legally made, by having the Claim of any person thereto, entred with the Recorder of the County, where such Houses or Lands do lye, with the Names of the person so claiming, and the Quantity, Bounds of the Lands or Houses claimed, and such Claim prosecuted to effect within the term of *five years* next after the *twentieth* of this present *May, one thousand six hundred and fifty seven*, every such Proprietor, their Heirs and Assignes shall for ever after enjoy the same, without any lawful Let, Suit, Disturbance or Denial, by any after Claim of any person or persons whatsoever, any Law or Custome to the contrary notwithstanding.

And for all Bargains or Alienations made, or to be made after the aforesaid time, that every person concerned therein, observe the Directions given in the above recited Law, upon peril of suffering all the damage that shall accrue to them, their Heirs and Assignes by neglect thereof. [1657.]

P O R T E R S .

A. 56. p. 10. **T** Here being a very great abuse in the Towns of Boston and Charlestown, by Porters, who many times do require and exact more then is just and righteous for their Labours;

Porters to be
Ordered by the
Select men

It is Ordered by this Court; That from henceforth the Select-men of the said Towns from time to time, shall have power to regulate in this case, and to state their Wages, as in their understanding shall be most just and equal, as also to determine what persons shall be employed therein. [1655.]

Pound. Pound breach.

FOR prevention and due recompence of damages in Corn-fields and other Inclosures done by Swine and Chattel;

Pound in every
Town

It is Ordered by this Court and Authority thereof, That there shall be one sufficient Pound or more, made and maintained in every Town and Village within this Jurisdiction, for the Impounding of all such Swine and

and Chattel as shall be found in any Corn-field or other inclosure.

And whosoever Impounds any Swine or Chattel, shall give present notice to the Owner if he be known, or otherwise they shall be cryed at the two next Lectures or Markets; And if Swine or Chattel escape out of Pound, the Owner if known, shall pay all damages according to Law.

A 57. p. 24.

And every person or persons having notice given them, or otherwise left in writing at their House or place of their usual abode, of any of their Chattel Impounded or otherways Restrained, shall forthwith give satisfaction to the party so wronged, or otherwise Replevie their Chattel, and prosecute the same according to Law, upon peril of suffering all the loss and damage that shall come to their Chattel by standing in the Pound or other lawful place of Restraint. [1645, 47, 57.]

Cattle impounded to be replevied or damage satisfied

2. And if any person shall resist or rescue any Chattel going to Pound, or shall by any way or means convey them out of Pound or other Custody of the Law, whereby the party wronged may lose his damages, and the Law be deluded, that in case of meer rescues, the party so offending shall forfeit to the Treasury *forty shillings*.

Rescues and Pound breach

Fine or

And in case of Pound breach *five pounds*, and shall also pay all damages to the party wronged, and if in the rescues any bodily harm be done to the person of any Man or other Creature, they may have remedy against the Rescuers; And if either be done by any not of ability to answer the forfeiture and damages aforesaid, they shall be openly Whipped by Warrant from any Magistrate before whom the offender is convicted in the Town or Plantation where the offence was committed, not exceeding *twenty stripes* for the meer Rescue or Pound breach; And for all damages to the party, they shall satisfy by service, as in case of Theft.

be whipped

And if it appear there were any procurement of the Owner of the Chattel thereunto, and that they were Abettors therein, they shall pay forfeiture and damages as if themselves had done it. [1647.]

P O W D E R.

VV Hereas by favour of the Government in England, several quantities of Powder and other Amunition are yearly Imported into this Jurisdiction for our necessary use and defence; To the end the favour we receive may not be Abused, nor our selves Deprived of the just and necessary use thereof;

A. 52. p. 3.

It is hereby Ordered and Enacted; That all Merchants or others, that shall import into this Jurisdiction either Powder, Lead, Bullets Shot, or any Amunition whatsoever, shall give particular notice of the quantity thereof to the *Publick Notary*, upon the pain and penalty of *forty pounds*, within one Month after the Landing of such Goods, who is hereby enjoyned to take particular notice of the same, with the Mark and Number, and faithfully to enter the same in a Book, and the Names of the Persons to whom they are sold, or into whose Custody or

Powder imported to be Entered with the publick Notary

power they are committed, that he may give account thereof upon Oath to the Governour, Deputy Governour or any of the Council from time to time; And the said Notary is hereby prohibited, upon the penalty of *one hundred pounds*, to grant Certificate to any Merchant or other of any such Goods but such as he shall have particular notice of, and entred as aforesaid.

And to the end this Order may be duly observed, and that no person may plead ignorance thereof;

It is hereby Ordered, That the Captain of the Castle shall upon the arrival of any Ship or Vessel in the Massachusetts Bay, from any forraign parts, give notice of the contents of this Order, to the Master or Merchant of any such Vessels, and the Constables of all other Port-Towns in this Jurisdiction, are hereby required to do the same. [1651.]

L. 1. p. 45. 2. And it is further Ordered; That no person (except for the defence of themselves and their Vessels at Sea) shall transport any Gunpowder out of this Jurisdiction, without license first obtained from some two of the Magistrates, upon penalty of forfeiting all such Powder as shall be transporting or transported, or the value thereof.

And that there may be no defect for want of an Officer to take care herein;

Searchers for powder exporting This Court, the Court of Assistants, or any Shire Court, shall appoint meet persons, from time to time in all needful places, who have hereby power granted them, to search all Persons and Vessels that are or any way shall be suspicious to them to be breakers of this Order, and what they finde in any Vessel or Hands, without license as aforesaid, to seize the same, and to keep the one half to their own use in recompence of their pains, and to deliver the other half forthwith to the Treasurer. [1645, 51.]

Prescriptions.

IT is Ordered, Decreed, and by this Court Declared; That no Custome or Prescription shall ever prevail amongst us in any Moral case, (our meaning is) to maintain any thing that can be proved to be Morally sinful by the Word of God. [1641.]

Prisoners, Prison, House of Correction.

Prisoners carried at their own charge

IT is Ordered; That such Malefactors as are committed to any common Prison, shall be conveyed thither at their own charge if they be able, otherwise at the charge of the Country. [1646.]

2. For prevention and redress of many misdemeanours and evil practices, daily increasing; *A. 55 p. 10.*

It is Ordered, That there shall be an House of Correction provided in each County, at the Counties charge, to be settled, ordered and improved as the Magistrates in each County Court or Court of Assistants shall agree and direct. *House of Corre. tion in each County*

3. And it shall be in the power of every County Court to make use of such Prison as is at present erected in the County, for an House of Correction, till Houses of Correction be provided and finished. *A. 57. p. 25.*

Also to provide and Authorize the Keeper or some meet person, to be Master of such House as they shall judge meet; And the Select men of the Town where such House is appointed, shall procure in the most prudent way, some competent stock of Hemp, Flax, or other materials, and upon account, to commit the same into the hands of the Master of the House, to be employed at his discretion by the labour of such Delinquents, as shall be committed to him by Authority, and the stock being in value or kinde preserved to such as put in the same, all the benefit attained by the labour of the person committed, shall be to the use of the Master, allowing only so much as will keep the Delinquent with necessary Bread and Water, or other mean food out of the same, or *six pence* out of the *shilling* earned by his or her labour. *County Court to appoint a Master*
Select men to provide Materials to work
Masters fees

And at the first coming into the House of Correction, the Master thereof, or any he shall procure, or the common Corrector residing in the Town, shall whip every Delinquent, not exceeding *ten stripes*, and after shall employ him or her by duely stint, and if the party be stubborn, disorderly or idle and not perform their task, and that in good condition, the Master shall correct them or abridge them of their food, as the cause shall require, till they are brought to some meet order. *Delinquent to be corrected & kept to work*

And it shall be in the power of one Magistrate, to commit idle persons or stubborn persons against such as have Authority over them, Runaways, Common Drunkards, Pilferers, Common night-walkers and wanton persons, as tending to uncleanness in speeches or Actions, &c. *One Magistrate may commit to the House of Correction*

And it shall not be in the power of the Master to deliver out of the House of Correction, unless he hath a Discharge or Warrant under the hand of a Magistrate; and if the Delinquent be committed by the Court, not to be delivered but by order of the Court, or under the hand of the greater part of the Members of the Court. [1646, 55, 57]

ON Complaint of the Keeper of the Prison, that some Malefactors and other Prisoners have made escape, by means of some evil-disposed persons that supply them with Instruments to effect the same;

It is therefore Ordered by this Court and the authority thereof, That if any person whatsoever, shall any wayes, either directly or indirectly convey any Instrument or other thing whatsoever to any Prisoner, by which such Prisoner or any other Prisoner, either shall, may, or might break Prison, or work him or her self unlawfully out of the same; if it were for Debt, such person so transgressing shall pay the full Debt, and incur the penalty of forfeiture of as much to the Country, or undergo such Corporal punishment as the Court on whose proceedings such imprisonment followed, or the Court of Assistants shall impose, order or appoint. *To prevent breaking of Prisons*

And if any Prisoner committed for offence or offences, Criminal or Capital, shall by such wicked compliance of any person, break Prison or make escape out of Prison, or be found in preparation thereunto, the person or persons which directly or indirectly conveyed such Instruments, Tools, or other things, whereby such Prisoner shall or might work his or her escape from Prison; such person shall be liable to the same corporal punishment which the Prisoner was liable unto, and also incurre such further penalty by Fine, Imprisonment, or Corporal punishment as the County Court, Court of Assistants or General Court shall appoint: So that where the Prisoners are not actually escaped, in such cases any Court to moderate as they shall see meet.

And if the escape of any Prisoner appear to be through the fault or neglect of the Jaylor, he shall then be liable to such penalties as the Prisoner was, according as the Court which hath cognizance thereof shall determine. [1669.]

Directions to
Prison keepers

IN Answer to some Questions propounded by the Keeper of the Prison for his direction in the execution of his Office;

This Court do Declare; That it is the duty of all Prison-keepers from time to time to present a true List of all the Prisoners to such Courts of Judicature, as are properly to take cognizance of their crimes, and not to discharge any their custody, but by the Authority of the Law warranting the same, and that the Court or other Authority taking cognizance thereof shall determine the Costs to be allowed the Keeper for maintenance of the Prisoner, as also by whom he shall be satisfied, and that where any are committed in any civil cause, the Plaintiffe at whose suit he is imprisoned shall secure the Keeper all his necessary expenses during his Imprisonment, both for Food and Physick, and other necessities for his livelihood; And in case of his neglect so to do, the party imprisoned taking his Oath before any Magistrate that he is not worth *five pounds*, the Keeper shall not stand further charged with him, but may dismiss such Prisoner his custody; Any former Law, Usage or Custome to the contrary notwithstanding.

And it is Declared by this Court; That the ordinary allowance to be made for the Food of any Prisoner shall be two *shillings sixpence* the Week. [1663.]

Protestations contra Remonstrance.

liberly to enter
a dissent in ca-
ses in Court

IT is Ordered, and by this Court Declared; That it is and shall be in the liberty of any Member or Members of any Court, Council or civil Assembly, in cases of making or executing any Order that properly concerneth Religion, or any cause Capital, or Wars, or Subscriptions to any publick Article or Remonstrance, in case they cannot in Judgement and Conscience consent to that way the major vote or suffrage goes, to make
then.

their Contra Remonstrances or Protestation in Speech or Writing, and upon their Request to have their dissent Recorded in the Rolls of that Court, so it be done Christianly and Respectively for the manner, and the dissent only be Entred without the Reasons thereof, for avoiding tediousness. [1641.]

Punishment, Torture.

IT is Ordered, and by this Court Declared; That no man shall be twice Sentenced by Civil Justice for one and the same Crime, Offence or Trespas.

None punished twice for one offence

And for Bodily Punishments; We allow amongst us none that are Inhumane, Barbarous or Cruel.

L. 1 p. 50.

And no Man shall be beaten with above forty stripes for one Fact at one time, nor shall any Man be punished with Whipping, except he have not otherwise to answer the Law, unless his Crime be very shameful, and his course of life vicious and profligate.

Not above 40 stripes

And no man shall be forced by Torture to confess any Crime against himself or any other, unless it be in some Capital case, where he is first fully convicted by clear and sufficient evidence to be guilty, after which if the case be of that nature, that it is very apparent there be other Conspirators or Confederates with him, then he may be Tortured, yet not with such Tortures as are Barbarous and Inhumane.

No torture before conviction

Records, Recorders, Clerks.

WHEREAS Records of the Evidence, whereupon the Verdict and Judgement in cases doth pass, being duely entred and kept, would be of good use, both for Presidents; and to such as shall have just cause to have their cases Reviewed;

It is therefore Ordered by this Court and the Authority thereof That every Judgement given in any Court, or by one Magistrate, or by Commissioners, shall be Recorded in a Book, and all the Evidences (which are to be given in, in Writing, in fair and large Papers) shall be kept, and the party for whom such evidence is brought, shall pay to the Recorder or Clerk of the Court for filing and safe keeping the same two pence for each evidence; and the fore man of every Jury shall faithfully deliver up all such Testimonies or other Writings committed to them, unto the Recorder or Clerk of the Court, when they give in their Verdict in every case

A. 2. p. 13

L. P. 15.

Evidence to be given in writing

To be kept on file

A. 57. p. 21. And the Fees of the Recorder or Clerk of every County Court shall be as followeth, for Transcribing a Copy of any evidence for every page consisting of *twenty eight or thirty lines, eight words in a line twelve pence,* and proportionable to *eight pence* a page for what it doth exceed; For entry of a Mortgage or Sale of Houses or Lands *verbatim,* not exceeding a page as aforesaid, *twelve pence,* and proportionable to *eight pence* a page for what it doth exceed; And for Attesting the Record on the Original Deed *six pence,* and in like manner for Wills and Inventories, with *six pence* a piece for filling up the Original and safe keeping thereof; And for entering an Order for the determining of an Estate of such as dyed Intestate, or other, wherein the Court is to give their approbation or determination *twelve pence,* And for Entry of the Examination and Proceedings of this Court in any Criminal Casts or Presentment, with the Judgement of the Court therein *two shillings and six pence;* And for Entry of a Recognizance *twelve pence,* to be paid or secured in Court by the Delinquent party; And for Entering a Judgement acknowledged *twelve pence;* And for Entry of an Action *one shilling six pence,* and a judgement thereupon *six pence,* and for making an Execution *two shillings.*

Recorders Fees

*L. 2. p 7*Births, Deaths
Marriages

2. It is Ordered; That the Clerk of the Writts in the several Towns shall Record all Births and Deaths of persons in their Towns; and for every Birth and Death they so Record, they shall be allowed *three pence,* and they shall yearly deliver in to the Recorder of the Court of the Jurisdiction where they live a true Transcript thereof, together with so many *pence* as there are Births or Deaths to be Recorded.

Parents, Masters
&c. to certify
the Clerk

And all Parents, Masters of Servants, Executors or Administrators respectively, shall bring in to the Clerk of the Writts, in their several Towns, the Names of such persons belonging to them or any of them, as shall either be Born or Dye.

Penalty of not
certifying

And also every new-Married Man shall likewise bring a Certificate under the hand of the Magistrate which Married him unto the said Clerk, to be by him Recorded, who shall be allowed *three pence* for the same, and the said Clerk shall deliver as aforesaid unto the Recorder a Certificate, with a *penny* a Name for Recording the said Marriage: And if any person shall neglect to bring a Note or Certificate as aforesaid, together with *three pence* a Name to the said Clerk of the Writts to be Recorded, more then one Month after such Birth, Death or Marriage, he shall pay *twelve pence* to the said Clerk, who shall demand the same, and in case any shall refuse to satisfie him, he shall then return the Name of such person or persons to the next Magistrate for Commissioners of the Town where such person dwells, who shall send for the party so refusing; And in case he shall still persist therein, shall give Order to the Constable to leave the same: And if any Clerk of the Writts shall neglect his duty hereby enjoyned, he shall pay the following penalties, *viz.* for neglecting a yearly return to the County Court *five pounds,* and for neglect of returning the name of any person returnable by this Order, whether Born, Married or Dead, more then *thirty* dayes before his return to the County Court *five shillings,* and that no neglect may be herem for the future, the Clerk of each County Court is hereby enjoyned from time to time, to certify the County Courts respectively the Names of all such Clerks of the Writts, who shall neglect to make their yearly return according to this Law, who upon such notice given, shall send for such Clerks, and do in the case as the Law requireth.

Clerk to return
all Births deaths
&c. to the
County Court

3. It is Ordered and Declared, That every man shall have liberty to Record in the publick Rolls of any Court; any Testimony given upon Oath in the same Court, or before two Magistrates, or any Deed or Evidence legally confirmed, there to remain in *perpetuam rei memoriam*.

L. 1. p. 47
Liberty to record testimony and evidences to view publick Records

And that every Inhabitant of the Country, shall have free liberty to search and view any Rolls, Records or Registers of any Court or Office, except of the Council, and to have a Transcript or Exemplification thereof, Written, Examined and Signed by the hand of the Officer, paying the accustomed fees.

And if any person or person repairing to any publick Officer of this Jurisdiction, to view any Record or Writings committed to his charge, shall wittingly and willingly Deface or Rent any such Record or Writing; upon complaint of such Officer to any Magistrate, and proof by Oath of the said Officer, or other sufficient Witnesses, every person so offending shall forfeit by the party concerned therein treble the damage that might have ensued or accrued to him or them thereby, and shall also be fined as much to the Country, or suffer two Months Imprisonment without Baile or Main prize, or stand in the Pillory two hours in Boston Market, with a Paper over his head written in Capital Letters,

A. 52. p. 9.

Penalty of defacing Records

A D E F A C E R O F R E C O R D S.

the special or particular punishment to be determined by the next County Court where the Offence was committed, and shall also stand bound to the good Behaviour, during the pleasure of the Court. [1639, 42, 43, 44, 47, 52, 57.]

Resolved upon the Question, That the words *Rolls, Records, or Register of any Court or office* contained in the Printed Laws, *tit Records, &c. Sect. 3. pag. 69.* are to be Interpreted and understood only of such Acts of Court as concern particular persons in matters of Justice, Licence, Grant or Approbation, or of such Laws as are of publick concernment. [1665.]

Directions for Court Officers to grant Copies &c.

VHereas by reason that the Orders of this Court, referring to the Commissionating, Appointing and Impowring any particular person or persons for any special trust, negotiation or other matter as from time to time do arise, are not duely and seasonably Transcribed and Delivered to those concerned therein, the expectation of this Court is many times disappointed, and damage to the publick doth inevitably accrue:

Seasonable transcribing and delivery of matters of publick concern by the Secretary

It is therefore Ordered by this Court; That the Secretary, from time to time, within ten dayes after the end of every Sessions of the General Court, shall Copy out all such special Orders of this Court as abovesaid, and deliver the same to the Marshall General, who shall receive the same at the Secretaries house, and take Order for the speedy and certain conveyance thereof, to those whom they are especially directed unto; and for such Orders as do require a more speedy dispatch then the time above limited, the Officers abovesaid shall accordingly hasten the same.

To the Marshall General

Marshal General
to attend the
Treasurers and
Secretaries di-
rections, &c.

Also the Marshal General shall from time to time receive all Warrants that are to be sent to the severall Towns from the Country Treasurer; as also the Laws that are at any time to be published, either Printed or Written, and cause them to be delivered according to the direction given him from the Treasurer or Secretary. [1668.]

R E P L E V I N,

IT is Ordered and by this Court Declarod, That every man shall have liberty to Replevie his Chattel or Goods Impounded, Distreined, Seized or Excluded, unless it be upon Execution after Judgement, and in payment of fines; Provided he put in good Security to prosecute the Replevin, and to satisfie such Demand as his Adversary shall recover against him in Law. [1641.]

S A B B A T H.

A. 53. p. 18. **U**Pon Information of sundry Abuses and Misdemeanours committed by divers Persons on the Lords-day, not only by Children playing in the Streets and other places; But by Youths, Maids and other persons, both Strangers and others, uncivily walking in the Streets and Fields, travelling from Town to Town, going on Ship-board, frequenting Common Houses and other places to Drink, Sport or otherwise to mispend that precious time, which thing tends much to the Dishonour of God, the Reproach of Religion, Grieving the Souls of Gods Servants, and the Prophanation of his Holy Sabbath, the Sanctification whereof is sometimes put for all Duttes, immediately respecting the service of God contained in the first Table;

Prophanes of
the Sabbath

Penalty

It is therefore Ordered by this Court and the Authority thereof, That no Children, Youth, Maids or other persons shall transgress in the like kinde, on penalty of being reputed great provokers of the high displeasure of the Almighty God, and further incurre the penalty hereafter expressed, viz. That the Parents and Governours of all Children above seven years old, (not that we approve younger Children in evil) for the first offence in that kinde, upon due proof before any Magistrate, Commissioner or Select'man of the Town where such offence shall be committed, shall be Admonished; For a second offence, upon due proof as aforesaid, shall pay as a fine *five shillings*; And for a third offence, upon due proof as aforesaid *ten shillings*; And if they shall again offend in that kinde, they shall be presented to the County Court, who shall augment punishment according to the merit of the Fact.

And for all Youths and Maids above *fourteen* years old, and all elder persons

persons whatsoever, that shall offend and be convicted as aforesaid, either for Playing, uncivil Walking, Drinking, Travailing from Town to Town, going on Ship board, Sporting, or any way mispending that precious time, shall for the first offence be admonished, upon due proof as aforesaid, for a second Offence, shall pay as a fine *five shillings*, and for the third offence *ten shillings*; And if any shall further offend that way, they shall be bound over to the next County Court, who shall augment punishment according to the nature of the offence: And if any be unable or unwilling to pay the aforesaid fines, they shall be whipped by the Constable, not exceeding *five stripes for ten shillings* fine, and this to be understood of such offences as shall be committed during the Day-light of the Lords day. [1653]

2. Whereas by too sad experience, it is observed, the Sun being set, both every Satterday, and on the Lords day, young people and others take liberty to walk and sport themselves in the streets or fields, in the several Towns of this Jurisdiction, to the Dishonour of God, and the Disturbance of others in their Religious exercises, and too frequently repair to publick Houses of Entertainment, and there sit Drinking, all which tends not only to the hindring of due preparation for the Sabbath, but as much as in them lyeth renders the Ordinances of God unprofitable, and threatens the rooting out of the power of Godliness, and procuring the wrath and judgement of God upon us and our posterity; For prevention whereof;

A. 32.

It is Ordered by this Court and the Authority thereof; That if any person or persons henceforth, either on the Satter-day night, or on the Lords day-night, after the Sun is set, shall be found sporting in the streets or fields of any Town in this Jurisdiction, Drinking, or being in any House of publick Entertainment (unless Strangers or Sojourners in their Lodgings) and cannot give a satisfactory Reason to such Magistrate or Commissioner in the several Towns as shall have the cognizance thereof: Every such person so found complained of; and proved transgressing, shall pay *five shillings* for every such Transgression, or suffer Corporal punishment as Authority aforesaid shall determine. [1658.]

Drinking in Ordinaries after Sun set

Penalty

THis Court being sensible, that through the wicked practises of many persons, who do profane Gods Holy Sabbaths, and contemn the publick Worship of his House, the Name of God is greatly dishonoured, and the Profession of his People here greatly scandalized, as tending to all Prophaneness and Irreligion; As also that by reason of the late Order of Octob. 20. 1663. remitting the fines imposed on such to the use of the several Towns, the Laws made for reclaiming such Enormities are become ineffectual;

Do therefore Order and Enact; That henceforth all fines imposed according to Law for Prophanation of the Sabbath, Contempt or Neglect of Gods publick Worship, Reproaching of the Laws, and Authority here Established according to His Majesties Charter, shall be to the use of the several Counties, as formerly; Any thing in the abovesaid Law to the contrary notwithstanding. And in case any person or persons so sentenced, do neglect or refuse to pay such Fine or Mulctis as shall be legally imposed on them, or give Security in Court to the Treasurer for payment thereof, every such person or persons so refusing or neglecting to submit to the Courts Sentence, shall for such his Contempt be Corporally punished, according as the Court that hath cognizance of the case shall determine: And where any are Corporally punished, their fines shall be remitted. [1665.]

All fines for Prophanation of the Sabbath as formerly to be to the Counties &c.

For the better Prevention of the Breach of the Sabbath;

Sabbath-break-
ers

It is Enacted by this Court and the Authority thereof; That no servile work shall be done on that day, *namely*, such as are not works of Piety; of Charity, or of Necessity, and when other works are done on that day, the persons so doing, upon Complaint or Presentment, being legally convicted thereof before any Magistrate or County Court, shall pay for the first offence *ten shillings*. fine, and for every offence after to be doubled; and in case the offence herein be circumstanced with Prophaness, or high handed Presumption, the penalty is to be augmented at the discretion of the Judges.

As an addition to the Law, for preventing Prophaning the Sabbath day, by doing servile work;

This Court doth Order; That whatsoever person in this Jurisdiction shall Travail upon the Lords-day, either on Horse back or on Foot, or by Boats, from, or out of their own Town, to any unlawful Assembly or Meeting, not allowed by Law; are hereby declared to be Prophaners of the Sabbath, and shall be provided against as the persons that Prophan the Lords-day, by doing servile work. [1668.]

SAILERS.

L. 2. P. 14. **W**HEREAS many Miscarriages are committed by Sailers, by their immoderate Drinking, and other vain expences in Ordinaries, which oftentimes occasions prejudice and damage to the Masters and Owners of the Vessels to which they belong, their men being oftentimes Arrested for Debts so made when their Ships are ready to set saile; For Prevention whereof;

It is Ordered by this Court and the Authority thereof; That no Innkeeper, Victualler or other, Seller of Wine, Beer or Strong Liquors, shall after publication hereof, Arrest, Attach, or recover by Law, any Debt or Debts so made by any Saylor or Sayers as aforesaid, except the Master or Owner of such Ship or Vessel to whom such Sayers belongs, have given under his hand to discharge the same; Any Law, Use or Custome to the contrary notwithstanding.

SALT

UPON Information given to this Court of great damage accruing, both to Merchants and others, by reason no meet persons are appointed for to measure Salt from such Ships as arrive in our several Harbours;

This

This Court doth therefore Order and Enact; That there shall be in every Maritime Town, within this Jurisdiction, one meet person appointed by the Town from time to time, who shall diligently attend this service, upon due notice given by either party concerned therein; and the same truly and faithfully to discharge, for which he shall be allowed *three half pence* for every Hoghead, the one half to be paid by the Buyer and the other half by the Seller;

Salt to be measured

And what Masters of Ships or other Vessels, or Merchants, shall sail in the observation of this Order, he or they shall forfeit to the Country *two shillings* for every Tunne so disposed of, unless the parties shall otherwise agree.

S A L T - P E E T E R.

W Hereas this Court hath Encouraged and Authorized some Persons to make Gun-Powder, and have promised to enable them thereunto, by such Publick and Necessary Orders as may conduce to the effecting the same;

The consideration whereof hath moved the Court hereby to Order and Enact, That the Select-men of every Town (where the Powder makers Authorized by this Court shall desire it) be Authorized and Required hereby to make and execute such Orders in their respective Towns as they shall judge meet' (with the advice of skilful persons) for increasing and procuring of Salt-Peeter; and to impose such penalties as the Select-men shall see meet; not exceeding *ten shillings* for one offence, upon all persons that shall neglect or refuse to perform such Order or Orders for the propagating and increasing of Salt Peeter in their respective Towns:

Select-men to make Orders with penalty to propagate Salt-Peeter, &c.

And Moreover the said Select-men are further Impowred to choose and appoint an Officer or Officers, and to allow him a convenient stipend Annually for his pains out of the fines or otherwise, to look to the executing such Orders as they shall make in that behalf.

And it is further Ordered; That such Select-men, who shall neglect or refuse to make, and effectually Execute such necessary Orders as shall conduce to the ends aforesaid, they shall be Presented at the Court of that County, and there be fined for their neglect, at the discretion of the Court, not exceeding *five pounds* for one offence; And this Law to be put in Execution forthwith after the publication thereof, and this to continue during the Courts pleasure. [1666.]

Seal-Publick.

IT is Ordered by this Court and the Authority thereof; That the Governour for the time being, or any other Officer to whom the custody

of the Publick Seal is committed, do affix the publick-Seal unto all Commissions for Military Officers, and to all other Commissions and Writings of publick concernment, that shall issue forth from this Court or the Council without paying any thing for the Seal; And the Secretary for the time, shall write and procure the Seal to be affixed, and deliver the said Commissions and other publick Instruments to the parties concerned; and for his Fees of Writing and Wax, he is allowed *one shilling* for every Commission or other publick Instruments, to be paid by the Treasurer of the Country; And this Law to be in force, any Law, Custome or Usage to the contrary notwithstanding. [1664.]

S C H O O L S.

IT being one chief project of Salhan to keep men from the knowledge of the Scripture, as in former times, keeping them in unknown Tongues, so in these latter times, by perswading from the use of Tongues, that so at least the true sense and meaning of the Original might be clouded and corrupted with false glosses of Deceivers; to the end that Learning may not be buried in the Graves of our fore Fathers, in Church and Common-wealth, the Lord, assisting our endeavours;

Schools in towns
of 50 Families

It is therefore Ordered by this Court and Authority thereof; That every Town ship within this Jurisdiction, after the Lord hath increased them to the number of fifty House holders, shall then forthwith appoint one within their Towns, to teach all such Children as shall resort to him to Write and Read, whose Wages shall be paid either by the Parents or Masters of such Children, or by the Inhabitants in general, by way of supply, as the major part of those that Order the prudentials of the Town shall appoint; Provided that those which send their Children be not oppressed by paying much more then they can have them taught for in other Towns.

how maintained

Grammar School

2. And it is further Ordered, That where any Town shall increase to the number of one hundred Families or House-holders, they shall set up a Grammar School, the Master thereof being able to instruct Youth so far as they may be fitted for the University: And if any Town neglect the performance hereof above one year, then every such Town shall pay five pounds per Annum to the next such School, till they shall perform this Order.

Towns neglect,
to pay 5 li per
Annum to the
next School

A. 54. p. 1.

Heterodox
School Master
not to be al-
lowed

3 Forasmuch as it greatly concerns the welfare of this Country, that the Youth thereof be Educated, not only in good Litterature, but in sound Doctrine;

This Court doth therefore commend it to the serious consideration, and special care of our Overseers of the Colledge, and the Select men in the several Towns, not to admit or suffer any such to be continued in the Office or Place of Teaching, Educating or instructing Youth or Children, in the Colledge or Schools, that have manifested themselves unbound in the Faith, or scandalous in their Lives, and have not given satisfaction according to the Rules of Christ.

WHereas the Law requires every Town consisting of one hundred Families or upwards to set up a Grammar School and appoint a Master thereof, able to instruct Youth, so as to fit them for the Colledge; and upon neglect thereof the said Town is to pay five pounds per Annum to the next Latin School, until they shall perform that Order;

The Court upon weighty Reasons judge meet to Declare and Order; That every Town of one Hundred Families and upwards, that shall neglect or omit to keep a Grammar School, as is provided in that Law, such Towns shall pay ten pounds per Annum unto the next Town School that is settled according to that Law. [1671.]

A Grammar School to be in Towns of 100 Families

S E L F - M U R T H E R .

THis Court considering how far Satan doth prevail upon several persons within this Jurisdiction, to make away themselves, judgeth that God calls them to bear testimony against such wicked and unnatural practises, that others may be deterred therefrom;

Do therefore Order, That from henceforth, if any person Inhabitant or Stranger, shall at any time be found by any Jury to lay violent hands on themselves, or be wilfully guilty of their own Death, every such person shall be denied the priviledge of being Buried in the Common Burying place of Christians, but shall be Buried in some Common High-way where the Select-men of the Town where such person did inhabit shall appoint, and a Cart-load of Stones laid upon the Grave as a Brand of Infamy, and as a warning to others to beware of the like Damnable practises. [1660.]

Self murders are not ordinary burials

S H E E P .

WHereas the keeping of Sheep tends much to the benefit of the Country, and may in short time make good supply towards the cloathing of the Inhabitants if carefully preferred; and forasmuch as all places are not fit and convenient for that end;

It is Ordered by this Court; That henceforth it shall be lawful for any man to keep Sheep on any Common, be it for Cows, Oxen or otherwise, belonging to the Town where he lives, or where at that time he may have Right of Common and that without limitation, in Commons not stinted, and in such Commons that are stinted, it shall be lawful for any Inhabitant to use any or all his proportion of Common for Sheep, according

L. 2 P. 14.

Liberty to keep Sheep on all Commons
Five Sheep for one Cow

A. 56. p. 12.

select-men to
order clearing
of Commons for
sheeps pasture

counting five Sheep for one Cow, Steer or Oxe; and further, it shall be lawful for the Select-men of every Town from time to time, to make such Orders in their respective Towns, for the clearing of their Commons of Wood and Brush, for keeping of Sheep, as also for the fines of putting Rarus to their Flocks, as they shall judge meet.

Dogs killing
sheep to be
hanged

2. It is further Ordered; That if any man shall course Sheep with a Dog, or otherwise molest them, by driving them from their feeding, he shall pay *five shillings* for every such offence, besides double damages, and if any dog shall kill any sheep, the Owner shall either hang such dog, or pay double damages for the sheep, and if any dog hath been seen to course or bite Sheep before, not being set on, and his Owner hath had notice thereof, then he shall both hang his dog, and pay for such Sheep as he shall either bite or kill; And if in such case he shall refuse to hang his dog, then the Constable of the Town upon notice thereof, shall forthwith cause it to be done.

A. 53. p. 13.

sheep to be wash
ed before shorn,wool to be made
up clean

3. It is further Ordered; That all Owners of Sheep, who shall put their Wool to sale, shall, and hereby are enjoyned yearly to wash their Sheep in clear water, not being either salt, blackish or dirty, and shall take care they be not kept in dirty or sandy Ground, between the time of washing and shearing; And in making up the Fleeces to take care no short Locks, Lumps of dirt, or course Tails be wound up therein, upon the penalty of forfeiture of *twelve pence* a Sheep for all and every defect aforesaid. [1648, 53, 56.]

Ships, Ship-Carpenters.

V Hereas the building of Ships is a business of great Importance for the Common good, and therefore suitable care ought to be taken, that it be well performed, according to the commendable course of England and other places;

Surveyors sh^d
pointed to view
all ships
in building

It is therefore Ordered by this Court and the Authority thereof; That when any Ship is to be Built within this Jurisdiction, or any Vessel above thirty Tunns, the Owner, or Builder in his absence, shall before they begin to Plank, repair to the Governour or Deputy Governour, or any two Magistrates, upon the penalty of *ten pounds*, who shall appoint some able man to survey the Work and Workmen from time to time, as is usual in *England*, and the same so appointed, shall have such liberty and power as belongs to his Office.

their power

And if any Ship-Carpenter shall not upon his Advice, Reform and Amend any thing which he shall finde to be amifs, then upon complaint to the Governour, or Deputy Governour, or any two Magistrates, they shall appoint two of the most sufficient Ship-Carpenters of this Jurisdiction, and shall Authorize them from time to time, as need shall require, to take view of every such Ship and all works thereto belonging, and to see that it be performed and carried on according to the Rules of their Art.

that

And for this end an Oath shall be Administred to them, to be faithful and

and indifferent between the Owner and the Work-man, and their charges shall be born by such as shall be found in default:

Charges

And those Viewers shall have power to cause any bad Timbers, or other insufficient Work or Materials to be taken out and amended at the charge of them through whose default it grows. [1641, 47.]

2. It is Ordered by the Authority of this Court; That all Ships which come for Trading only from other parts, shall have free access into our Harbours, and quiet Riding there, and free liberty to depart without any molestation by us, they paying all such duties and charges required by Law in the Country, as others do. [1645.]

Repealed.

THis Court having perused and considered the Letter received from his Majesties most Honourable Privy Council, dated the 24 of June last, relating to an Act of Parliament, Entituled, An Act for the Encouraging and increasing of Shipping and Navigation; As an Addition and Explanation of former Orders made by this Court concerning these Affairs;

It is hereby Ordered and Enacted; That the several Officers hereafter mentioned, are hereby Deputed and Authorized to see that the said Act be performed, so far as it concerns the Government of this Plantation, both in seizing Ships or Vessels inhibited by the said Act to Trade here, taking Bonds of all Ships and Vessels that Lades in our Ports any Commodities expressed in the said Act, of the Growth, Product or Manufactory of the English Plantations, who shall not produce certificate that they have given Bond already as the said Act requireth.

Officers Authorized about Shipping

And in case of neglects or contempt, to seize such Vessels or Ships that Lades the aforesaid Goods without giving Bond or shewing Certificates: and to keep accounts of all such Ships and Vessels, with the Names of the Masters, that Lades here as aforesaid, and return an account twice every year, with Copies of the said Bonds and Certificates unto the Governour for the time being, by him to be transmitted to London, directed to the chief Officer there.

The Officers appointed are as followeth:

For the Ports of Boston and Charlestown, Mr. Edward Rawson.
For Salem; Marble-head and Gloucester, Mr. Hilliard Veren.
For the River of Pascataqua and Isle of Shoals, and Ports adjacent.
Captain Brian Pendleton.

Their Names

The Fees they are Authorized to take of every Ship-Master, are

For taking Bond, and Transcribing the Copy five shillings.
For Receiving and Entering a Certificate, two shillings six pence.
For giving Certificate, and Recording it, two shillings six pence.
Their part of seizures as the said Act directeth.

And Fees

Bonds of Ship-
Masters, &c.

And that all employed in this trust, do from time to time make return of all Bonds and Certificates by them passed to Mr. *Rawson*, who by the Governours Advice shall make return thereof for *England*, as the Act of Parliament requireth: And that Mr *Rawson* do from time to time present the Council of this Common weal, or in default thereof the Court of Assistants, with true Accounts of all Bonds and Certificates, and Copies of all Letters that he shall send for *England*, in any wise referring to this matter.

Moreover it is Ordered; That the Secretary take special care forthwith to send by the first opportunity four Copies of the Councils, and one of the Copies of the Act of Parliament relating thereunto, to the four General Governments of *New-England*, viz. *Plmouth*, *Connecticot*, *New-Haven*, and *Road Island*. [1663.]

Penalty for
drinking healths
&c in ships or
vessels

BE it also Enacted by the Authority of this Court; That no Masters of Ships, or Seamen, having their Vessels Riding within any of our Harbours in this Jurisdiction, shall presume to Drink Healths, or suffer any Healths to be drunk within their Vessels by day or night, or to shoot off any Gun after the Day-light is past, or on the Sabbath-day, on penalty for every Health twenty shillings, and for every Gun so shot twenty shillings.

And the Captain of the Castle is hereby enjoined to give notice of this Order to all Ships that pass by the Castle. [1663.]

Ships of Burden
to pay half a
pound of Pow-
der the Tun

IT is Ordered by this Court and the Authority thereof; That all Ships and Vessels above *Twenty Tuns*, that Trade within our Ports belonging to other places; or that the greater part of the Owners thereof, are not Inhabitants of this Jurisdiction, shall pay half a pound of Gun-powder, or the full value thereof in money, for every Tun of Burthen they are of, every Voyage they make hither, towards Provisions for Publick Fortifications, which is to be paid to the persons hereafter named, or to whom they shall Depute under their hands.

For the Ports of *Boston* and *Charls-town* Major General *Leet*.

For *Salem* and *Marble-head*, Major *William Hawthorn*.

For *Pescataqua River*, Mr. *Richard Cutts*.

And in case if Master or Commander of any such Ships or Vessels shall refuse upon Demand to pay the same, it shall be lawful for the said Gentlemen, or any one of them to send forth their Warrants to any Marshal or Constable, to Distrein upon the Goods of such Master or Commander, or on any of the Appurtenancies of their Vessels for the same, with the charges thereof; And the Gentlemen appointed as aforesaid, shall be accountable to the General Court when called thereunto, for what they shall receive by virtue of this Order, and are to deliver the Powder or Money they have in their Hands once every year or oftener unto the Surveyor General, excepting one shilling out of every twenty shillings they shall receive, which shall be allowed them for Defraying their necessary charges thereabout. [1667.]

TO prevent Calumny, Reproach and Prejudice to this Colony and the Inhabitants, and Trade thereof;

It is Ordered; That no person shall henceforth Trade or Truck with any Vessel that shall Arrive upon our Coast, until the same shall come under command, and ride in our usual Harbours; and have acknowledged the Government as the Law provides, upon the penalties of all such Goods Traded, and such further punishment as the Court of Assistants shall adjudge. [1670.]

All trade with ships forbidden before the Government be acknowledged

S P I N N I N G.

THis Court taking into serious Consideration the present streights and necessities of the Country, in respect of Cloathing, which is not like to be so plentifully supplied from foreign parts as in times past, and not knowing any better way or means conduceable to our subsistence, then the improving of as many hands as may be in Spinning Wool, Cotton, Flax, &c.

A. 55. p. 11.

Doth therefore Order, and be it Ordered by the Authority of this Court; That all hands not necessarily employed on other occasions, as Women, Girls and Boyes, shall and hereby are enjoyned to Spin according to their skill and ability; and that the Select men in every Town do consider the condition and capacity of every family, and accordingly do assess them at one or more Spinners;

Select men to appoint how much each family shall Spin

And because several Families are necessarily employed the greatest part of their time in other business, yet if opportunities were attended, some time might be spared, at least by some of them for this work;

The said Select Men shall therefore Assess such Families at half and quarter Spinners, according to their capacities.

And every one thus aforesaid, for a whole Spinner, shall for time to come, Spin every Year for thirty Weeks, three pound a Week of Linnen, Cotton or Woollen, and so proportionably for half and quarter Spinners, under the penalty of twelve pence a pound short.

And the Select Men shall take special care for the Execution of the Order, which may easily be effected by dividing their several Towns into ten, six, five, &c. parts, and to appoint one of the ten, six or five, &c. to take an account of their Divisions, and to certify the Select Men, if any be defective in what they are Assessed, who shall improve the penalties imposed on such as are negligent, for the encouragement of those that are diligent in this work, [1655.]

S T R A Y E S.

Finders of goods
to give notice to
the Const. to cry

IT is Ordered by this Court and the Authority thereof; That whosoever shall take up any Stray Beast, or finde any Goods lost, whereof the Owner is not known, he shall give notice thereof to the Constable of the same Town, within six dayes, who shall enter the same in a Book, and take Order that it be cryed at their next Lecture or General Town meeting, upon three several dayes; And if it be above *twenty shillings* value, at the next Market or two next Towns publick Meetings where no Market is within *ten miles*, upon pain that the party so finding, and the said Constable having such notice and failing to do as is here appointed, to forfeit either of them for such default, one third part of the value of such Stray or lost Goods:

Finders to apprise
& Record
lost goods

And if the finder shall not give notice as aforesaid, within one Month, or if he keep it more then three Months and shall not apprise it by indifferent men, and also Record it with the Recorder of the County Court where it is found, he shall then forfeit the full value thereof:

Before the
goods if the
Owner appear
in a year

And if the Owner appeareth within one Year after such Publication, he shall have restitution of the same, or the value thereof, paying all necessary charges, and to the Constable for his care and pains, as one of the next Magistrates, or the three Commissioners of the Town shall adjudge. And if no Owner appear within the time prefixed, the said Stray or lost Goods shall be to the use of the finder, paying to the Constable *ten shillings*, or the fifth part of the value of such Stray or lost Goods, at the finders choice.

Stray beast to
have a Wyth
about the neck

And it is Ordered; That every such finder shall put and keep from time time a Wyth or Wreath about the neck of every such Stray Beast within one Moneth after such finding, upon penalty of loosing all his charges that shall arise about it afterwards, (provided that no person shall from the first of *April* to the twentieth of *December*, take up any Horse Gelding or Mare for a Stray, or account or use them as Strayes, though the Owner thereof be not known; unless it be taken Damage seizant in inclosures) Provided also, that if any Owner or other, shall take off such Wyth or Wreath, or take away such Beast before he hath discharged according to this Order, he shall forfeit the full value of the thing (apprized as aforesaid) to the use of the finder. [1647.]

Taking off the
Wyth, or taking
away the beast
forfeitt the value

Addition to the
Law of Strayes.

AS an Addition and Explanation of the Law tit. Strayes; This Court finding that several inconveniences and troubles do arise about Strayes, Chattel and Horses, &c. and that the temptation may be too great on some persons in remote Towns and Farms, to take up Chattel, &c. and make Strayes of them, the whole benefit redounding to themselves;

To be cryed in
the Town on
which they have
the Brand mark

This Court doth Order for the time to come, That all Strayes shall be first cryed in that Town of which they have the Brand-mark; And that all such Strayes and other lost Goods contained in the said Law, shall be entred with the County Recorder in each County, and by him transferred to

to the Country Treasur^er within one Moneth; and in case the said Goods and Strayes are not owned within one year, as is therein expressed, then the one half, or the value of one half shall be to the use of the Country, and the other half to the finder, the charges being first paid out of the whole [1666.]

To be entered with the Recorder of the County Half to the Country & the other half to the Finder

S T R A N G E R S.

WHereas we are credibly informed that great mischiefs have been done to other Plantations by reason of Commanders, Souldiers, and other Strangers; To prevent the like in this Jurisdiction;

A. 5. p. 7.

It is Ordered by this Court and Authority thereof, That henceforth all Strangers of what quality soever, above the age of sixteen years, Arriving in any Ports or Parts of this Jurisdiction, in any Ship or Vessel, shall immediately be brought before the Governour, Deputy Governour, or two other Magistrates, by the Master or Mate of the said Ship or Vessel, upon penalty of twenty pounds for default thereof, there to give an account of their occasions and business in this Country, whereby satisfaction may be given, and Order taken with such Strangers as the said Governour, Deputy Governour, two Magistrates, or the next County Court shall see meet, who shall keep a Record of the Names and Qualities of all such Strangers, to be returned to the next General Court.

Strangers Arriving to be brought before the Governour

And for the Publications of this Order;

It is Ordered, the same to be Posted upon the Doors or Posts of the Meeting-houses and other publick places in all the Port Towns of this Jurisdiction;

Capt of the Castle to give notice of this Order

And the Captain of the Castle shall make known this Order to every Ship or Vessel as it passeth by, and the Constable of every Port Town shall endeavour to do the like to such Ships or Vessels before they Land their Passengers. [1651.]

And if any Strangers, or People of other Nations, professing the true Christian Religion, shall fly to us from the Tyranny or Oppression of their Persecutors, or from Famine, Wars or the like necessary and compulsoy Cause, they shall be entertained and succoured amongst us according to that power and prudence God shall give us. [1641.]

L. 1. p. 23.

Strangers to be succoured

Every person within this Jurisdiction, whether Inhabitant or Stranger, shall enjoy the same Law and Justice that is general for this Jurisdiction, which we constitute and execute one towards another in all cases proper to our cognizance, without partiality or Delay. [1641.]

L. 2. f. 32.

No Town or person shall receive any Stranger Resorting hither with intent to Reside in this Jurisdiction, nor shall allow any Lot or Habitation to any, or entertain any such above three Weeks, except such person shall have allowance under the hand of some one Magistrate; upon pain of every Town that shall give or sell any Lot or Habitation to any not so Licensed such fine to the Country as the County Court shall impose, not exceeding fifty pounds, nor less then ten pounds; And of every person receiving any such for longer time then is hereby allowed, except

Strangers to have equal Justice

No Town or per-
son to entertain
strangers with-
out allowance

in case of entertainment of friends resorting from other parts of this Country in amity with us, to forfeit as aforesaid, not exceeding *twenty pounds*, nor less than *four pounds*; and for every Month after so offending shall forfeit as aforesaid, not exceeding *ten pounds*, nor less than *forty shillings*.

Finable

And every Constable shall inform the Courts of all new comers, which they know to be admitted without License from time to time. [1637, 38, 47.]

Sureties and Goods Attached.

L. 1. p. 15.

UPon Information of some inconveniencies accruing to several persons, in that men take themselves acquitted and free from all legal observations in case of appearance in Courts, according to the express terms of the Bond, or at most if the Principal there stay till Verdict and Judgement be given (which if they be) they may then make away their Estates, or absent their persons before the twelve hours be expired for granting Execution, whereby the party recovering may either be deprived of, or much damaged in his just Rights;

Not discharged
till Judgement
be satisfied

It is therefore Ordered by this Court and the Authority thereof; That henceforth all Goods Attached upon any Action, shall not be released upon the appearance of the party, or Judgement given, but shall stand engaged until the Judgement, or the Execution granted upon the said Judgement be discharged:

or the person de-
livered to the
Marshal

Nor shall any Surety or Sureties for appearance in any Court, except in Capital or Criminal Cases, be released from his or their Bond until the Execution as aforesaid be discharged and satisfied, or the Principal Person be surrendered into the hands of the Marshal or his Deputy, who shall secure him till the Judgement be discharged, any Law, Custome or Usage to the Contrary notwithstanding.

Goods & persons
Attached one
month after
Judgement re-
leased

Provided alwayes. That henceforth in all Civil proceedings (except in cases where the Defendant is a Stranger) where Execution is not taken out and Executed within one Month after that Judgement is granted, all such Attachments, whether on persons or Estates, with Sureties, shall be released and void in Law; any Law, Usage or Custome to the contrary notwithstanding: unless the Court that granted the Judgement shall see cause to give further time, and respite of Execution in any particular case.

Swearing and Cursing.

Swearing 10. 9.

IT is Ordered by this Court and Authority thereof; That if any person within this Jurisdiction, shall Swear rashly or vainly by the Holy Name of

of God, or other Oath, he shall forfeit to the Common Treasury for every such offence *ten shillings*; and it shall be in the power of any Magistrate, by warrant to the Constable, to call such person before him, and upon sufficient proof to sentence such offender, and to give Order to leavie the fine; and if such person be not able, or shall refuse to pay the said fine, he shall be committed to the Stocks, there to continue not exceeding three hours, nor less then one hour.

Swearing to a
or sit in stocks

2. And if any person shall swear more Oaths then one at a time, before he remove out of the Room or Company where he so swears, he shall then pay *twenty shillings*.

L. 2. p. 14.
more Oaths
then one 20 s

The like penalty shall be inflicted for Prophane and Wicked Cursing of any Person or Creature, and for the multiplying the same, as is appointed for prophane Swearing; and in case any person so offending, by multiplying Oaths or Cursing, shall not pay his or their fines forthwith, they shall be whipt or committed to Prison till they shall pay the same, at the discretion of the Court or Magistrate that shall have cognizance thereof.

like penalty for
Cursing

S W I N E.

IT is Ordered by this Court and the Authority thereof; That every Township within this Jurisdiction, or the Select-men thereof, are impowred and hereby required from time to time, to make Orders for preventing all harms by Swine, in Corn, Meadows, Pastures and Gardens, as also all danger to Children or elder persons in any respects by Swine, and to impose penalties according to their best discretion, and to appoint one of their Inhabitants, by Warrant under the hands of the Select-men, or the Constable where no Select-men are, to leavie such fines and penalties; and if any person chosen to see the Execution of this Order, shall neglect or refuse the same, he shall forfeit *five pounds*, the one half to the Town, the other half to the party that accepts the place, and performs his duty therein.

Select-men to
make Orders to
prevent harms
by Swine

A. 1658.

2 And where Towns Border each upon other, whose Orders it may be are various;

Satisfaction shall be made for harms done by Swine, according to the Orders of the Town where the damage is done.

Damage to be
paid according
to the Town
done where it is
done

But if the Swine be Ringed and Yoaked, or otherwise, as the Orders of the Town to which they belong, doth require, then where no Fence is, or that it be insufficient, through which the Swine come to Trespas, the Owner of the Land or Fence shall bear all damages.

And it is hereby Declared; That all Fences made of Stone, Pales, Rails, Rivers, Creeks, or any other Fences which are allowed (by such men as are appointed in the several Towns to view Fences) to be sufficient against great Cattle, shall be held and accounted sufficient against

No Fence no
damage

A. 31. p. 4.

Fences sufficient Swine, and all Swine breaking through such Fences, shall be liable to make satisfaction for all Damages done.

No owners appearing Swine to be prized 3. And if any Swine be Impounded for Damage done, and there be kept three dayes, and that no person will own them, then the party Damnified shall give notice to the two next Towns (where any are within five miles Compass) that such Swine are to be sold by an Out-cry, within three dayes after such notice by the party Damnified; and in case none will buy, he shall cause them to be Apprized by two indifferent men (one whereof shall be the Constable or one chosen by him) signified under their hands in Writing and may keep them for his own use. And in both cases, if the Owner shall after appear, the overplus according to the said valuation (all Damages and Charges being paid) shall forthwith be rendred to him.

And if any Town or Select men shall neglect to take Order for preventing harms by wine according to this Law, more then *one Moneth* after publication hereof, such Town or Select men shall forfeit to the Treasury *forty shillings* for every Moneth so neglecting. [1647, 51, 58.]

T I L E - E A R T H.

IT is Ordered by this Court; That all Tile Earth to make Sale Ware, shall be Digged before the *first of the ninth Moneth*, and turned over in the *last and first Moneth* ensuing, a *Moneth* before it be wrought, upon pain of for every one half part of all such Tiles as shall be otherwise made, to the use of the Common Treasury. [1647.]

T O B A C C O.

IT is Ordered by this Court; That no man shall take any Tobacco within twenty Poles of any House, or so near as may endanger the same, or near any Barn, Corn, or Hay cock, as may occasion the firing thereof, upon pain of *ten shillings* for every such offence, besides full Recompence of all Damages done by means thereof;

Nor shall any take Tobacco in any Inne or common V^olual House, except in a private Room there, so as neither the Master of the said House, nor any other Guest there shall take offence thereat, which if any do, then such person shall forthwith forbear, upon pain of *two shillings six pence* for every such offence. And all fines incurred by this Law, the one half part shall be to the Informer, the other to the Poor of the Town where the offence is done. [1638, 47]

Tolling of Cattle.

FOr the prevention of Felonious practises growing upon us, by Stealing of Horse-kinde, and other Neat Cattle, and selling them as their own;

It is Ordered by this Court and the Authority thereof, That there shall be a Toll-Book kept in every Town by the Clerk of the Writts, where-in all Horse-kinde, and other Cattle as aforesaid, bought of any person, shall be Entred, with their Age, Colour and Marks, at the peril of the Buyer, with the Name of the Seller; and such Seller shall have two vouchers to Testifie the said Seller to be the proper Owner of such Horse-kinde or other Cattle so sold; or in case of Horse-kinde or Cattle so sold, shall be challenged by any other person, the Vouchers in case of the escape of the Seller, shall be liable to all damages that shall arise there-upon: And the Clerk of the Writts shall have *three pence* of the Buyer, for entring every such Horse-kinde, or Neat Cattle; And if any Horse-kinde, or other Cattle as aforesaid, so bought by any person be not Toll'd, nor Sellers, nor Vouchers found, upon challenge of any such Cattle, the said Buyer shall be liable to all Damages, as the Felon himself should be were he present: And any person or persons having lost any Horse kinde, or other such Cattle, shall have free liberty to search any Toll Book in any Town, in any such case. [1668.]

T O W N - S H I P .

WHereas particular Towns have many things which concern onely themselves and the ordering their own affairs, and disposing of business in their own Town; L. 2. P. 10.

It is therefore Ordered, That the Freemen of every Town, with such others as are allowed, or the major part of them, shall have power to dispose of their own Lands and Woods, with all the Priviledges and Appurtenances of the said Towns, to graue Lois, and also to chuse their own particular Officers, as Constables, Surveyors for the High wayes, and the like Annually, or otherwise as need requires; And to make such Laws and Constitutions as may concern the welfare of their Town; Provided they be not of a Criminal, but of a Prudential nature, and that their penalties exceed not *twenty shillings* for one offence, and that they be not Repugnant to the publick Laws and Orders of the Country. Towns power to dispose Lands
Chuse officers
To make Orders

And if any Inhabitant shall neglect or refuse to observe them, they shall have power to leavie the appointed penalty by Distress.

And if any man shall behave himself offensively at any Town-meeting, the rest then present shall have power to Sentence him for such offense, so as the penalty exceed not *twenty shillings*.

To choose Se-
lect men

2. And every Town-ship hath power to chuse yearly, or for less time, a convenient number of fit men to order the Planting, and prudential Affairs of their Towns, according to instruction given them in Writing, Provided nothing be done by them contrary to the Laws and Orders of the Country, Provided also that the number of the Select-men be not above nine.

To dispose of
single persons

3. And all Towns shall take care from time to time, to Order and Dispose all single persons and in mates within their Towns, to service or otherwise, and if any be grieved at such Order or Disposal, they have liberty to Appeal to the next County Court.

A. 55.

[1670.

4. And it is hereby Ordered and Enacted; That all English-men, that are settled Inhabitants and House-holders in any Town, of the age of *twenty four years*, and of honest and good Conversations, being Rated at *eighty pounds* Estate in a single Country Rate, and that have taken the Oath of Fidelity to this Government, and no other (except Freemen) may be chosen Select men, Jurors or Constables, and have their Vote in the choice of the Select men, for the Town Affaires, Assessments of Rates and other Prudentials proper to the Town; Provided alwayes the major part of the companies of Select men be Freemen from time to time, that shall make a valid Act, as also where no Select men are, to have their Vote in ordering Schools, Heading of Cattle, laying out High-ways, and Distributing Lands; Any Law, Use or Custome to the contrary notwithstanding.

Who may Vote
in Towns

It is Ordered; That in stead of the sum of *twenty pounds* in the 4. Sect. *Tit. Townships*, it shall be inserted instead thereof *eighty pounds*; Provided this change of that sum be not interpreted to exclude any person from the priviledge granted him formerly in that Law. [1670.]

A. 55. P. 19.

5 *Whereas Complaints have been made, that many (especially in Boston) who are meet and fit to serve the Country in the Office of Constable, take encouragement to withdraw from that service by reason of the smallness of the fines that Towns have power to impose for such refusal;*

Power to fine
such as refuse
the Office of
Constable

It is therefore Ordered, That henceforth it shall be lawful for the Town of Boston, to impose the fine of *ten pounds*; and for all other Towns, to impose the fine of *five pounds* upon every such person (being legally chosen in the respective Towns) that shall refuse to serve in the Office of a Constable in the Town where he is chosen, if in his person he be able to execute it;

And the Select-men of every Town are hereby unpowred to Order and Require the Constables to leave the said fines by Distress, which shall be to the use of the Town. [36, 42, 47, 53, 58]

IT is Ordered; That hereafter no Cottage or Dwelling place shall be admitted to the priviledge of Commonage for Wood, Timber and Herbage, or any other the Priviledges that lye in Common in any Town or Peculiar, but such as already are in being, or hereafter shall be Erected by the consent of the Town. [1660.]

Townships p⁶
61232

IT is Ordered by this Court and the Authority hereof, That the following Order shall be directed and sent by the Clerks of the severall Shire Courts, to the Constables of the Towns within their Shire, who are enjoyned faithfully to execute the same; and if upon the Return made, it doth appear that the Select men are negligent in executing the Laws therein mentioned; the Court shall proceed against them by Admonition, or fine, as the merit of the case may require, and shall also dispose of single persons, or stubborn Children or Servants to the House of Correction, according to the intent of the Law, any Law, Custome or Usage to the contrary notwithstanding.

To the Constable of A.

VV Hereas the Law published by the Honoured General Court, lib. 1. page 76 sect 3 do require all Towns from time to time, to dispose of all single persons and in-males within their Towns to service, or otherwise, and in pag. 6. tit. Children and Youth;

It is required of the Select-men, that they see that all Children and Youth, under Family Government, be taught to read perfectly the English Tongue, have knowledge in the Capital Laws; and be taught; some Orthodox Catechism, and that they be brought up to some honest employment, profitable to themselves and the Common wealth; and in case of neglect on the part of the Family Governours, after Admonition given them, the said Select men are required, with the help of two Magistrates, or next Court of that Shire, to take such Children or Apprentises from them, and place them forth, with such as will look more straitly to them.

The neglect whercof, as by sad experience from Court to Court abundantly appears, doth occasion much sin and prophaneſs to increase among us, to the dishonour of God, and the ensnaring of many Children and Servants, by the dissolute lives and practises of such as do live from under Family Government, and is a great discouragement to those Family Governours, who conscientiously endeavour to bring up their Youth in all Christian nurture, as the Laws of God and this Common-wealth doth require:

THEse are therefore in His Majesties Name, to require you to acquaint the Select men, of your Town, that the Court doth expect and will require, that the said Laws be accordingly attended, the prevalency of the former neglect notwithstanding: And you are also required to take a List of

the Names of those young persons within the Bounds of your Town, and all adjacent Farms though out of all Town Bounds, who do live from under Family Government, viz. do not serve their Parents or Masters, as Children, Apprentices, Hired-Servants, or Journey-men ought to do, and usually are in our Native Country, being subject to their Commands and Discipline, and the same you are to return to the next Court to be held at ^{on} the day of and hereof you are to make a true Return under your hand, and not to faile.

WHereas in the Law tit. Town-ships, The several Towns, and Select-men of the said Towns, have power to impose Penalties as the Law directs; And whereas many Constables question whether it be their Duty to serve Warrants from the Select-men for Persons to appear before them, and to leave fines: For the removal of such Doubts, as an Addition to the said Law;

This Court doth Order and Require; That all Constables respectively, shall serve all Warrants from the Select men, and leave all such fines as shall be imposed by the said Town or Select men. [1671.]

TREASURERS.

To keep perfect
Accompts

how to disburse

IT is Ordered by this Court and the Authority thereof; That the County Treasurer shall from time to time keep exact and perfect Books of Accompts, of all Transactions for the Country, and particularly of all Debts and Dues belonging to the Country, either by Forfeits, Fines, Rates, Gifts, Legacies, Rents, Customs, Impositions or otherwise, as by Whales, Ship wracks, and things of like nature, where the Owner is not known, and the Country may claim a Priviledge or Common Right unto, as also of all his payments and disbursements for the Countreys use, which he shall not make but by virtue of some settled Custome, Law or Order of this Court, or by special Order of this Court, or of the Council, nor shall he make any Payment to any person indebted to the Country till such person either pay his Debt, or default so much as is due to the Country

A. 54. p. 2.

County Treasur-
er, how chosen

No Clerk of
Court to be
Treasurer

2. And it is further Ordered; That henceforth there shall be Treasurers Annually chosen in every County by the Freeman thereof, who shall give in their Votes in each Town, on the day of Voting for Nomination of Magistrates, which shall be sent sealed up by the same person to the Shire-meeting, and there opened before the Commissioners, who shall certify the County Courts under their hands, the Name of the person chosen, Provided no Clerk or Recorder of any County Court shall be chosen Treasurer for the County.

And the said Treasurers, shall from time to time, keep exact and perfect Book of Accompts of all Transactions of the County, and particularly

cularly of all Debts and Dues belonging to the County, either by Forfeits, Fines, Rates, Gifts, Legacies, Rents, Customs or otherwise, as also all his Disbursements for the Charges of the County Courts, Shire Commissioners, with all other peculiar charges of the County which he shall pay by Order of the County Court, except the *twenty pounds* due to the Major of the Regiment for the year of publick exercise, which shall be paid by the Country Treasurer as heretofore.

To pay the charge of the County

3. And it is Ordered; That all fines arising in any County Court, or by Order of one Magistrate or Commissioners impowred in Criminal Cases, shall from time to time be paid in to the Treasurer of that County where the Delinquent party doth dwell, except only where any person shall be taken in the manner, and immediately censured by Authority in any other County where such offence is committed.

A. 58.

All Fines arising in the County due to the County.

4. It is Ordered; That the Secretary of the General Court and Court of Assistants, and the Clerk or Recorder of every County Court, shall keep Books of Account, of all Dues arising within the cognizance of the respective Courts, by Entry of Actions, Fines or otherwise; as also a true account of the Fees of the Officers and other charges of the Court, which belongs to the respective Treasurers to satisfy; and within *fourteen days* after the end of every Court, the said Secretary and Clerk, shall deliver to the respective Treasurers, a true Transcript of all Fines and other dues, payable to the Country or County, and the said Treasurers shall within one week after the Receipt of such Transcript, direct his Warrant to the Marshal or Constable for the levying thereof.

Clerk of Courts to keep Accounts

To certify the Treasurer of all Dues levied

Treasurer to order Marshal to call

And if any Treasurer, Secretary, Marshal or Constable, make default herein, he shall suffer the penalty of making good all Damage that shall come thereby.

And every Treasurer, for his pains and service, is allowed *one shilling*, in the pound of all fines received by him, and to be free from all County and County Rates.

Treasallowance

And all Treasurers are hereby enjoyned once every year, to give an account of all their Transactions; the Country Treasurer to the General Court, or to such as the said Court shall appoint, and present the same at the Court of Election yearly.

To give a yearly Account

And the County Treasurers shall likewise yearly present their Accounts to the County Courts; and if there be not enough in the Treasurers hands to satisfy the charges of the County, the said County Court shall give Warrant to levie the Arrears upon the whole County by Rate, to be levied upon each Town and Person (except such as are Rate-free) in proportion with the County Rate next before going, to be collected by the Constables of each Town, who are hereby enjoyned to attend the same. [1648, 54, 57, 58.]

County Courts to raise Taxes to defray County charges

VV *Hereas the Law tit. Treasurers, doth not so fully explain it self, as is intended, in order to the Execution of the same, in referance to County Treasurers;*

This Court Declare: That the same Power and Directions given to the Country Treasurer in his place, is likewise intended to the County Treasurer in his Place and Limits:

County Treas. power & duty

For the better discharge of his Duty, and that every Constable entrusted with the Collecting of any County Rate, which doth not within his year pay

in his respective County Rate, and make up his Accompts with the Treasurer from which he had his Warrant so to do;

Such Constable shall, forfeit to the County forty shillings for his neglect, and be liable to clear his Accompts within two Months; and that every County Treasurer shall present the Names of such Constables as shall neglect their duty to the next County Court; And that Corn or other Goods paid in to the County Treasurers, shall be at the same prises that this Court shall from time to time set for the Country Rate; Any Custome or Usage to the contrary notwithstanding. [1662.]

T R Y A L S.

No cause to be first brought to the Gen. Court.

IT is Ordered; That all causes between Party and party, shall first be tryed in some Inferiour Court; and that if the party against whom the Judgement shall pass, shall have any new Evidence, or other new matter to plead, he may desire a new Tryal in the same Court upon a Bill of Review. And if Justice shall not be done him upon that Tryal, he may then come to this Court for Relief. [1642.]

Liberty for Tryals by Bench or Jury

2. It is Ordered, and by this Court Declared; That in all Actions of Law it shall be the liberty of the Plaintiffe and Defendant by mutual consent to choose whether they will be tryed by the Bench, or by the Bench and Jury, unless it be where the Law upon just reason hath otherwise determined; the like liberty shall be granted to all persons in any Criminal case.

Liberty to challenge

3. Also it shall be in the liberty of both Plaintiffe and Defendant and likewise of every Delinquent to be judged by a Jury; to challenge any of the Jurors, and if the challenge be found just and reasonable by the Bench or the rest of the Jury, as the challenger shall choose, it shall be allowed him, and *tales de circumstantiis* Impannelled in their room.

4. Also Children, Ideots, Distracted persons, and all that are Strangers or new comers to our Plantation, shall have such allowances, and dispensations in any case, whether Criminal or others, as Religion and Reason require. [1641.]

V A G A B O N D S.

THis Court being sensible of the increase of Prophaness and Irreligiousness, by reason of the Vagrant and Vagabond life of sundry persons, as well Inhabitants as Forraigners, that wander from their Families, Relations and Dwelling

Dwelling places; from Town to Town, thereby drawing away Children, Servants, and other persons, both younger and elder, from their lawful Callings and Employments, and hardning the hearts of one another against all Subjection to the Rules of Gods Holy Word, and the Established Laws of this Colony: All which to prevent;

This Court doth hereby Order and Enact; That all such persons, where ever they may be found in any place of this Jurisdiction, be Apprehended by the Constable of the said place, with or without further Warrant, and and brought before the next Magistrate; who if upon Examination, shall finde them to be such as do not give a good and satisfactory account of such their Wandring up and down, they shall proceed with and against them as Rogues and Vagabonds, and cause them to be corporally punished, and sent from Constable to Constable, until they come to the place of their abode: Or in case they will not confes where their abode is within this Colony, nor yct voluntarily depart out of the same, then to be sent to the House of Correction, there to remain until the next Court of that County. [1662]

Vagabonds and wandring persons

V O T E S.

IT is Ordered, and by this Court Declared; That all and every Freeman, and others Authorized by Law, called to give any Advice, Vote, Verdict or Sentence in any Court, Council or Civil Assembly, shall have freedom to do it according to their true Judgement and Conscience, so it be done orderly and in-offensively for the manner, and that in all cases wherein any Freeman or other is to give his Vote, be it in point of Election, making Constitutions and Orders, or passing Sentence in any case of Judicature, or the like; if he cannot see Light or Reason to give it positively one way or other, he shall have liberty to be silent, and not pressed to a determinate Vote, which yet shall be Interpreted and Accounted as if he Voted for the Negative.

Liberty of Voting

or to be silent

Neuters accounted on the negative

And further that whensoever any thing is to be put to a Vote, and Sentence to be Pronounced, or any other matter to be Proposed, or Read in any Court or Assembly, if the President or Moderator shall refuse to perform it, the major part of the Members of that Court or Assembly, shall have power to appoint any other meet person to do it, and if there be just cause, to punish him that should, and would not. [1651.]

U S U R Y.

IT is Ordered, Decreed, and by this Court Declared; That no man shall be adjudged for the mere forbearance of any Debt, above *eight pound in the hundred, for one year*, and not above the Rate proportionably for all sums whatsoever, (Bills of Exchange excepted) neither shall this be a colour or countenance to allow any Usury amongst us contrary to the Law of God. [1641, 43.]

N n

Wam.

W A M P A M P E A G.

Repealed.
1661.

IT is Ordered; That Wampampeag shall pass current in the payment of Debts, to the payment of *forty shillings*, the white at *eight a penny*, the black at *four*, so as they be entire without breaches or deforming spots, except in payment of Country Rates to the Treasurer, which no Town or person may do, nor he accept thereof from time to time. [1643; 48, 49, 50.]

W A T C H I N G.

A. 52. p. 12.

FOR the better keeping of Watches by the Constable in the time of peace, It is Ordered by this Court and the Authority thereof; That all Constables Watches in every Town of this Jurisdiction, shall begin the first of *May*, and continue till the end of *September*, upon the penalty of *five pounds*, to be leavied on every Constable neglecting the same.

Constable to set
the Watch

And it shall be the care of the Constable, to see that the Watch be so warned, that it may not consist of all, or the greater part Youths, but that able men be joyned with them, that the Watch may be a sufficient Watch; unless the Select-men of that Town, who have hereby power, shall otherwise Order and Dispose the said Watches, both respecting time, place, number and quality of persons, as to them shall seem most meet.

A. 57. p. 25.

Select-men to
order Watches

And all Inhabitants of this Jurisdiction (except such as are by Law exempted) shall according as they are warned to serve the Country in the Constables Watches, duely and strictly observe the charge given them by the Constables; And the Constables in every Town from time to time, are hereby enjoyned to give in their charge to Watch men, that they duely examine all Night-walkers after ten of the clock at night (unless they be known peaceable Inhabitants) to inquire whether they are going, and what their business is; and in case they give not reasonable satisfaction to the Watch-men or Constable, then the Constable shall forthwith secure them till the morning, and shall carry such person or persons before the next Magistrate or Commissioner, to give satisfaction for their being abroad at that time of night. And if the Watch men shall finde any Inhabitant or Stranger, after ten of the clock at night, behaving themselves any wayes debauchedly, or shall be in drink, the Constable shall secure them, by commitment or otherwise, till the Law be satisfied.

Constables charge
to the Watch

Night-walkers
to be secured

Watch to cause
lights to be put
out

And further, the Constable is to give the Watch men in charge, to see all noises in the streets stilled, and lights put out (except upon necessary occasions) for the prevention of danger by fire as much as may be.

L. 1. p. 52.

Neglect of
Watching for-
feit 5. s.

And every Constable shall present to one of the next Magistrates or Commissioners, the Name of every person, who shall upon lawful warning refuse or neglect to Watch or Ward, either in person, or by some other sufficient for that service, and if being convented, he cannot give a just excuse, such Magistrate or Commissioner shall grant Warrant to any Constable, to leavie *five shillings* of every Offender for such default, the same

same to be employed for the use of the Watch of the same Town.

And it is the intent of this Law, that every person of able body (not excepted by Law) or of Estate sufficient to hire another, shall be liable to Watch and Ward, or to supply by some other, when they shall be thereunto required; And if there be in the same House divers such persons, whether Sons, Servants or Sojourners, they shall all be compellable to Watch as aforesaid; Provided, that all such as live or keep Families at their Farms, being remote from any Town, shall not be compellable to Watch and Ward in Towns. [1636, 46, 52, 57.]

Who compella-
ble to Watch

THe Court understanding there is much inequality, in that divers are freed from those Watches, whereof all do receive equal benefit, for an Explication of the Law concerning Constables watches;

Do Order, the Magistrates, Deputies of this Court for the time being, Elders of Churches, the publick sworn Officers of the Country, with the Commission Officers in each Trained Band, be freed from all ordinary Watches and Wards of the Constables, and no other persons, except such persons as shall have special and personal Freedome by Order of this Court; any former Grant or Custome notwithstanding. [1661.]

Persons exempt
from Constables
Watches

Weights and Measures.

TO the end Measures and Weights may be one and the same throughout this Jurisdiction;

It is Ordered by the Authority of this Court; That the Country Treasurer shall provide upon the Countries charge, Weights and Measures of all sorts, for continual Standards, to be Sealed with the Countries Seal, viz. one Bushel, one half Bushel, one Peck, one half Peck, one Ale quart, one Wine pint, and half pint, one Eln, one Yard, as also a set of Brass Weights to four pound, which shall be after sixteen Ounces to the Pound with fit Scales; and steal Beams to weigh and try withal.

Standards to be
provided by the
Treasurer

And the Constable of every Town within this Jurisdiction, shall within three Months after publication hereof, provide upon the Town charge, all such Weights, at least of Lead, and also sufficient Measures as are above exprest, tryed and Sized by the Country Standards, and Sealed by the said Treasurer, or his Deputy in his presence, (which shall be kept and used only for Standards for their several Towns) who is hereby Authorized to do the same, for which he shall receive from the Constable of each Town two pence for every Weight and Measure so proved, sized and sealed. And the said Constable of every Town, shall commit those Weights and Measures unto the custody of the Select-men of their Towns for the time being, who with the said Constable are hereby enjoined to chuse one able man to be Sealer of such Weights and Measures for their own Town from time to time, and till another be chosen, which man so chosen, they shall present to the next County Court, there to be sworn to the faithful discharge of his duty, who shall have power to send forth his Warrants by the Constable, to all the Inhabitants of their Town to

Constables to
provide Stand-
ards for Towns

Sealer to be
chosen by the
Select men

To be sworn at
the County
Court

to duty

bring in all such *Measures* and *Weights* as they make any use of, in the second Moneth from year to year, at such time and place as he shall appoint, and make a return to the Sealer in Writing of all persons so summoned; that then and there all such *Weights* and *Measures* may be proved and sealed with the Town Seal; (such as in the Order for Town Cattle) provided by the Constable at each Towns charge; who shall have for every *Weight* and *Measure* so Sealed *one penny* from the Owners thereof at the first Sealing. And all such *Measures* and *Weights* as cannot be brought to their just Standard, he shall deface or destroy, and after the first sealing shall have nothing so long as they continue just with the Standard.

his Fees.

And that none may neglect their Duty herein;

It is further Ordered by the Authority aforesaid; That if any Constable, Select-men, or Sealer, do not execute this Order as to every of them appertains, they shall forfeit to the Common Treasury *forty shillings* for every such neglect, the space of one Moneth, and also that every person neglecting to bring in their *Weights* and *Measures* at the time and place appointed, they shall pay *three shillings four pence* for every such default, one half part whereof shall be to the Sealer, and the other half to the Common Treasury, which the Sealer shall have power to leave by distress from time to time. [1647.]

A. 55.

2. This Court considering the Complaints of several Abuses, in Measuring Corn, Boards, and Cording of *Wood*;

Select-men to
appoint mea-
sures of Corn
&c.

Doth Order, That it shall be in the power of the Select men of every Town, to appoint one or two, or more as need shall require, who shall be sworn faithfully and uprightly, to Measure all such Corn, *Wood* or Boards, as they shall be called unto; and that no man shall be forced to receive any Corn, *Wood* or Boards, (except they agree thereunto) but such as is Measured by such person or persons so appointed and Sworn; the parties receiving the Corn, *Wood* or Boards, paying for the Measuring thereof. 1655.

W H A R F A G E :

Rates for Wharfage

IT is Ordered by this Court and the Authority thereof; That these Orders shall be observed by all such as shall bring Goods to any *Wharf*, and these Rates following be allowed:

First, For *Wood* by the Tun *three pence*; for Timber by the Tun *four pence*; for Pipe staves by the thousand *nine pence*; for Boards by the thousand *six pence*. for Merchants Goods, whether in Cask or otherwise by the Tun, *six pence*; for Dry Fish by the Quintal *one penny*; for Corn by the Quarter *one penny and a half penny*; for great Cattle by the Head *two pence*; for Goats, Swine, or other small Cattle, except such as are sucking their Dams, by the Head *a half penny*; for Hay, Straw, and all such Combustible Goods, by the Load *six pence*; for Stones, by the Tun *a penny*; for Cotton *Wool*, by the Bag *two pence*; for Sugar, by the Chest *three pence*: Provided that *Wharfage* be taken only where the *Wharfs* are made and maintained; and that *Wood*, Stone and weighty Goods, shall be set up an end, or laid seven foot from the side of the *Wharf*, upon penalty of double *Wharfage*, and so for other Goods, and that no Goods

Goods lye on the Wharf above forty eight hours without further agreement with the VVharfingier: And that it shall be lawful for the VVharfingier to take according to these Rates out of the Goods that are Landed, except they be satisfied otherwise.

2. And it is further Ordered; That none shall cast an Anker, Graplin, or Killack, within or neer the Cove at Boston, where it may indanger any other Veffels, upon penalty of *ten shillings*, half to the Country, half to the VVharfingier, besides paying all Damages. Costing Anker in the cove penalty.

3 And that it shall not be lawful for any person to cast any Dung, Draught, Dirt, or any thing to fill up the Cove, or to annoy the Neighbours, upon penalty of *forty shillings*, the one half to the Country, the other half to the Wharfingier. [1647.] Castine in dung penalty 40 s.

W I L L S.

WHereas it is found by experience, that some men dying, having made their Wills for the disposing of their Estates, that the said Wills are concealed, and not Proved and Recorded; and some others dying intestate, no Administration is sought for, nor granted in any legal way, and yet the Wives, Children, Kinred, or some friends of the Deceased, or some others do enter upon the Lands, and possess themselves of the Goods of the said Deceased, and the same are many times sold or wasted before the Creditors to whom the Deceased was indebted know of whom to Demand, or how to recover their just Debts; For prevention of such unjust and fraudulent dealings; L. 2. p. 16.

It is Ordered by this Court and the Authority thereof; That if any Executor Nominated in any Will, and knowing thereof, shall not at the next Court of the County, which shall be above thirty dayes, after the decease of the party, make Probate of any Will of any deceased party, or shall not cause the same to be Recorded, by the Recorder or Clerk of that County Court where the deceased party last dwelt; or if any person whatsoever, shall not within the same time take Administration of all such Goods, as he hath or shall enter upon of any Party deceased, or if any person or persons shall *Alienate* or *Imbezil* any Lands or Goods, before they have Proved and Recorded the Will of the Deceased, or taken Administration, and brought in a true Inventory of all the known Lands, Goods and Debts of the deceased; every such person so Administring or Executing, shall be Liable to be Sued, and shall be bound to pay all such Debts respectively, as the deceased party owed, whether the estate of the deceased were sufficient for the same or not, and shall also forfeit to the Country so many summs of *five pounds* as shall be Months betwixt the next Court of that County, after the death of the party as aforesaid, and the proving of such Will, and Recording it, or the taking of such Administration. Wills to be proved next Court

And if any person shall Renounce his Executorship, or that none of the friends or kindred of the deceased party that shall dy intestate, shall seek for Administration of such persons estate, then the Clerke of the writ of such Entring the estate without Administration obtained
Liable to pay all Debts.
Five pound per month for not proving Wills
If Executor renounce the Clerk to give bolioes to Com.

such Town where any such person shall dy, shall within one Month after his decease, give notice to the Court of that County to which such Town doth belong, of such Renouncing of Executorship, or not seeking of Administration, that so the Court may take such Order therein as they shall think meet, who shall also allow such Clerke due recompence for his paines, and if any such Clerke shall faile herein, he shall forfeit *scily shillings* to the Treasury for every months default. [1649.]

A. 32. P. 15

2. *And because many Merchants, Seamen and other Strangers; resorting hither oftentimes, Dying and leaving their Estates undisposed of, and very difficult to be preserved in the interim from one County Court to another:*

Two Magistrates
to take probate
of Wills.

To grant Ad-
ministrat^on

It is therefore Ordered, that it shall and may be Lawfull for any two Magistrates with the Recorder or Clerk of the County Court, Meeting together, to allow of any Will of any deceased party, to the Executors or other persons in the Will mentioned, so as the Will be testified on the Oath of two or more Witnesses, and also to Graunt Administration to the Estate of any person dying intestate within the said County, to the next of Kin, or to such as shall be able to secure the same for the next of Kin, and the Recorder or Clerk of the Court, shall enforce the rest of the Magistrates of the County, at the next County Court, of such Will proved or Administration Graunted, and shall Record the same. [1652.]

L. 1. P. 53.

L. 2. P. 6.

County Court to
divide the estate
undisposed.

Eldest Son a
double portion

3. And it is Ordered, that when the Husband or Parents dy intestate, the County Court of that Jurisdiction where the party had his last Residence, shall have Power to assign to the widdow, such a part of his estate as they shall judge just and equal; as also to divide and assigne to the Children or other Heeres their several parts and portions out of the said estate.

Provided, the Eldest Son shall have a double Portion, and where there are no Sons, the Daughters shall inherit as Copartners, unless the Court upon just Cause alledged shall otherwise determine. [1641, 49.]

W I T N E S S E S.

IT is Ordered, Decreed and by this Court Declared, that no man shall be put to Death, without the Testimony of two or three Witnesses, or that which is equivalent thereunto. [1641.]

Testimonies
taken before one
Magistrate.

Witnesses to ap-
pear personally
living within
ten miles

2. And it is Ordered by this Court and the Authority thereof, That any one Magistrate or Commissioner Authorized thereunto by the General Court, may take the Testimony of any person of sixteen yeares of age, or above; of sound understanding and reputation, in any Case, Civill or Criminal, and shall keep the same in his own hands till the Court, or deliver it to the Recorder, publick Notary or Clerk of the writts, to be Recorded, that so nothing may be altered in it. Provided that where any such witness shall have his abode within ten miles of the Court, and there living and not disabled by sickness or other infirmity, the said Testimony so taken out of Court, shall not be received or made use of in the Court, except the witnesses be also present to be further Examined about it.

PROVIDE

Provided also that in all Capital Cases, all Witnesses shall be present, wheresoever they dwell.

And in Capital Cases,

3. And it is further Ordered by the Authority aforesaid, That any person Summoned to appear as a Witness in any Civil Court between party and party, shall not be compellable to travel to any Court or place where he is to give his Testimony, except he who shall so Summon him shall lay down or give him satisfaction for his Travail & Expences outward and homeward, and for such time as he shall spend in attendance in such case when he is at such Court or place, the Court shall Award due Recompence. And it is Ordered that *two shillings* a day shall be accounted due satisfaction to any witness for Travail and Expences, and that when the witness dwelleth within *three miles* and is not at charge to pass over any other Ferry then betwixt *Boston or Charlestown*, then *one shilling six pence per diem* shall be accounted sufficient, and if any witness after such payment or satisfaction, shall faile to appear to give his Testimony, he shall be liable to pay the parties damages upon an action of the Case. And all Witnesses in Criminal Cases shall have suitable satisfaction paid by the Treasurer, upon Warrant from the Court or Judge before whom the Case is tried.

Witness to have allowance for charges laid down.

Two shillings a day

One shilling six pence a day.

Witness not appearing to pay damage.

In Criminal Cases witness to be paid by the Treasurer, and levied on the Delinquent.

And for a General Rule to be observed in all Criminal Cases, both where the Fines are put in certain, and also where they are otherwise;

It is further Ordered by the Authority aforesaid, that the charges of witnesses in all such Cases shall be born by the parties delinquent, and shall be added to the Fines imposed, that so the Treasurer haveing upon Warrant from the Court, or other Judge satisfied such Witnesses, it may be repayed him with the fine, that so the witnesses may be timely satisfied and the Country not damnified [1647.]

W O L V E S.

VV Hereas great Loss and Damage doth befall this Common-wealth by reason of Wolves, which destroy great numbers of our Cattle, notwithstanding provision formerly made by this Court for suppressing of them; therefore for the better encouragement of any to set about a work of so great concernment,

A. 48.

It is Ordered by this Court and the Authority thereof, that any person either English or Indian that shall kill any Wolfe or Wolves, within ten miles of any Plantation in this Jurisdiction, shall have for every Wolfe by him or them so killed *ten shillings*, paid out of the Treasury of the Country; Provided that due proof be made thereof unto the Plantation next adjoyning where such Wolfe or wolves were killed: And also they bring a Certificate under some Magistrates hand, or the Constable of that place unto the Treasurer; Provided also that this Order doth intend onely such Plantations as do Contribute with us to publick charges, and for such Plantations upon the River of *Piscataway* that do not joyn with us to carry on publick charges, they shall make payment upon their own charge. [1645.]

Law about Wolves.

Besides all other Considerations and Provisions for the destruction of Wolves; It is Ordered by this Court and the Authority thereof; That every such Indian or Indians, as shall any way destroy any Wolfe or Wolves, and deliver the Heads of such Wolves unto the Select men of any Township in this Jurisdiction; shall receive of such Select men, either two pounds of Powder, and eight pounds of Shot, or one pound of powder, and four pounds of shot, and five shillings in Corne or other pay, or else they shall receive of the Country Treasurer, Ten shillings a head, and no powder and shot, which such Indian shall chuse; and such Select men as shall pay any Indian according to their order, shall rebate it out of their next Country Rate with the Treasurer; any Law or Custome to the contrary notwithstanding, and all Select men or others that by virtue of this Order or any other, shall make payment for any Wolves, shall cut off the Eares of all such Wolves heads, and cause them to be buried, that so none may be twice paid for. [1661.]

This Court doth Order, as an Encouragement to persons to destroy Wolves; That henceforth every person killing any Wolfe, shall be allowed out of the Treasury of that County where such Wolfe was Slain, *Twenty shillings*, and by the Town *Ten shillings*, and by the Country Treasurer *Ten shillings*; which the Constable of each Town (on the sight of the eares of such Wolves being cut off) shall pay out of the next Country Rate, which the Treasurer shall allow. [1662.]

W O O D.

For the avoyding of Injuries by Carts and Boats, to Seller and Buyers of Wood;

It is Ordered by this Court and the Authority thereof; That where Wood is brought to any Town or House by Boat, it shall be thus Accounted and Affized; A Boat of *four Tuns* shall be accounted three Loads, *twelve Tuns*, nine Loads, *twenty Tun*, fifteen Loads, *six Tun*, four Load and halfe, *fourteen Tun*, ten Load and halfe, *twenty four Tun*, eighteen Load, *eight Tun*, six Load, *sixteen Tun*, twelve Load, *twenty eight Tun*, twenty one Load, *ten Tun*, seven Load and halfe, *eighteen Tun*, thirteen Load and halfe, *thirty Tun*, twenty two Load and halfe.

Except such Wood as shall be sold by the Cord, which is and is hereby Declared, to be Eight foot in length, four foot in height, and four foot broad. [1646, 1647.]

W O R K M E N.

Because the harvest of Hay, Corn, Hemp and Flax, comes usually sooner together, that much less can hardly be avoyded;

It is therefore Ordered by the Authority of this Court, That the Constables of every Town upon Request made to them, shall Require any Artificers or handy-crafts men meet to Labour, to work by the day for their Neighbour in mowing, reaping of Corn, and inning thereof; Provided that those men whom they work for, shall duely pay them for their work;

And that if any person so Required shall refuse, or the Constable neglect his Office herein, they shall Each of them pay to the use of the Poor of the Town, double so much as such Dayes work comes unto;

Provided no Artificer or Handy-crafts-man shall be compelled to Work as aforesaid, for others whiles he is necessarily attending on the like Busines of his owne. [1646.]

WRECKS OF THE SEA.

IT is Ordered, Decreed, and by this Court Declared; That if any Ships or other Vessells, be it Friend or Enemy, shall suffer Ship-wreck upon our Coasts; there shall be no violence or wrong offered to their Persons or Goods, but their Persons shall be Harbourd and Relieved, and their Goods preserved in safety, till Authority may be Certified and shall take further Order therein.

Also any Whale, or such like great Fish cast upon any shore, shall be safely kept, or improved where it cannot be kept, by the Towne or other Proprietor of the Land, till the General Court shall take Order for the same. [1641, 1647.]

W R I T S.

IT is Ordered by this Court and the Authority thereof, That henceforth all Writts, Process and Indictments, shall by all Magistrates, the Secretary, Clerks of the severall Courts and Writts, be made and sent forth in his Majesties Name: *i. e.* You are hereby Required in his Majesties Name &c: [1662.]

F I N I S



PRESIDENTS & FORMES
of things frequently Used.

TO [I. B] Carpenter, of [D.] You are Required in His Majestyes Name to appear at the next Court, holden at [B.] on the day of the month next ensuing; to answer the complaint of [N.C.] for with-holding a debt of due upon a *Bond* or *Bill*: or for two Heifers &c. sold you by him; or for work, or for a Trespass done him in his Corn or Hay by your Cattle, or for a Slander you have done him in his name, or for Striking him, or the like; And hereof you are not to fayle at your Peril. Dated the day of the Month. [1641.] *Summons*

TO the Marshall or Constable of [B.] or their Deputy. You are Required in His Majestyes Name to Attach the Goods, or for want thereof the Body of [W.F.] and to take Bond of him to the value of with sufficient Surety or Suretyes for his Appearance at the next Court holden at [S.] on the day of the Month; then and there to answer the Complaint of [T. M.] for &c. *as before*. And so make a true Return thereof under your hand. Dated the .day &c. *Attachments.*
By the Court R. F.

K Now all men by these presents, that we [A.B] of [D.] Yeoman, and [C.C.] of the same, Carpenter, do bind our selves, our Heires and Executors to [R. F.] Marshall, or [M. O.] Constable of [D.] afore said, in Pounds upon condition that the said [A.B.] shall personally appear at the next Court at [S.] to answer [L.M.] in an Action of And to abide the Order of the Court therein, and not to depart without Licence. *Bond for Appearance.*

TO the Marshall or Constable of . You are Required in His Majestyes Name, to Replevie three heifers of [T.P.] now distreined or impounded by [A. B.] and to deliver them to the said [T. P.] *Replevin.*
Provid

Provided he give Bond to the Value of _____ with ſufficient Safety or Suretyes to proſecute his Replewin at the next Court holden at [B.] and ſo from Court to Court till the Cauſe be ended; and to pay ſuch Coſts and Damages as the ſaid [A. B.] ſhall by Law Recover againſt him; And ſo make a true return thereof under your hand Dated &c.

By the Court R. F.

VV Hereas upon ſerious Conſideration, We have concluded a Confederacie with the English Colonies of New-Plimouth and Comduct, as the Bond of Nature, Reaſon, Religion and Reſpect to our Nation doth Require;

Commissioners for the United Colonies,

Their Power

We have this Court, Chofen our Truſtie and well beloved Friends, [S. B.] and [T. D.] for this Colonie; for a full and compleat Year, as any Occaſions and Exigents may Require, and particularly for the next meeting at [P] And do Inveſt them with full Power and Authority, to Treat and Conclude of all things, according to the true Tenour and Meaning of the Articles of Confederation of the United Colonies, Concluded by the General Court held at *Boston* the *fiſtcnth* of *May*. [1672]

VV Horeas I [A. B.] am an Inhabitant within this Jurisdiction, Conſidering how I ſtand Obliged to the Kings Majeſty, his Heires and Succeſſors, by our Charter and the Government Eſtabliſhed thereby; Do Swear accordingly by the great and dreadfull Name of the Ever-Living God, that I will bear Faith and true Allegiance to our Sovereign Lord the King, his Heires and Succeſſors; and that I will be True and Faithfull to this Government, and accordingly yeild Aſſiſtance thereunto, with my perſon and eſtate, as in equity I am bound;

Oath of Feideliſtie.

And will alſo truly endeavour to Maintain and Preſerve all the Liberties and Priviledges thereof, Submitting my ſelf unto the wholeſom Laws made and eſtabliſhed by the ſame.

And farther that I will not Plot or practice any evill againſt it, or conſent to any that ſhall ſo do; but will timely diſcover and reveal the ſame to Lawfull Authority now here eſtabliſhed, for the ſpeedy preventing thereof. So help me God in our Lord Jeſus Chriſt.

VV Hereas I [A. B.] being an Inhabitant of the Jurisdiction of the *Maſſachuſets*, and now to be made free. Do hereby acknowledge my ſelfe to be ſubject to the Government thereof (Conſidering how I ſtand obliged to the Kings Majeſty, his Heires and Succeſſors, by our Charter and the Government eſtabliſhed thereby Do Swear accordingly, by the Great and Dreadfull Name of the Ever-Living GOD, that I will bear Faith and true Alegiance to our Sovereign Lord the King, his heires and Succeſſors,) and that I will be True and Faithfull to the ſame, and will accordingly yeild Aſſiſtance and Support thereunto with my perſon and eſtate, as in equity I am bound; And will alſo truly endeavour to maintain and preſerve all the Liberties and priviledges thereof, Submitting my ſelfe to the wholeſome Laws made and eſtabliſhed by the ſame.

Freemans Oath.

And farther that I will not Plot nor Practice any Evill againſt it, or conſent to any that ſhall ſo do, but will timely diſcover and reveal the ſame to

Law

Lawfull Authority now here established, for the speedy prevention thereof.

Moreover I do Solemply bind my selfe in the sight of God, that when I shall be called to give my Voyce touching any such matter of this State wherein Freemen are to deal, I will give my Vote and Suffrage as I shall in mine own Conscience judge best to Conduce and tend to the Publick Weale of the body, without respect of persons or favour of any man. So help me God in our Lord Jesus Christ.

W Hereas you [R. B.] Esq. are Chosen to the place of Governour, over this Jurisdiction of the *Massachusetts*, for this year, and till a new be Cosen and Sworn, Considering how you stand Obligated to the Kings Majesty, his Heires and Successours, by our Charter and the Government established thereby; Do Swear accordingly by the Great and dreadfull Name of the Ever-Living God, that you will bear Faith and true Allegiance to our Sovereigne Lord the King, his Heirs and Successours; that you will in all things concerning your place according to your best power and skill, Carry and Demean your self for the said time of your Government, according to the Lawes of God, and for the Advancement of his Gospel, the Laws of this Land and the good of the people of this Jurisdiction.

Governours Oath.

You shall do Justice to all men without partiallity, as much as in you lyeth, you shall not exceed the Limitations of a Governour in your place. So help you God, in our Lord Jesus Christ.

W Hereas you [J. L.] are Chosen to the place of the *Deputy Governour* &c: as in the Governours Oath, *mutatis mutandis*.

Deputy Governours Oath.

W Hereas you [S. B.] are Chosen to the place of Assistant over this Jurisdiction of the *Massachusetts*, for this year and untill new be chosen and Sworn; Considering how you stand Obligated to the Kings Majesty, his Heirs and Successours, by our Charter and the Government established thereby; Do Swear accordingly by the Great and dreadfull Name of the Ever-Living God, That you will bear Faith and true Allegiance to our Sovereigne Lord the King, his Heirs and Successours; That you will truly endeavour according to your best skill to carry and demean your selfe in your place for the said time, according to the Laws of God and of this Land, for the Advancement of the Gospel, and the good of the People of this Jurisdiction; You shall Dispense Justice equally and impartially, according to your best skill in all Cases wherein you shall Act, by Virue of your place; You shall not wittingly and willingly exceed the Limitations of your place, And all this to be understood during your aboad in this Jurisdiction. So help you God in our Lord Iesus Christ.

Assistants Oath

W Hereas you [J. L.] have been Chosen to the Office of a *Sev- Major Ge-
gant Major General*, of all the *Military Forces* of this Jurisdiction for this present year; Considering how you stand Obligated to the Kings

nerals Oath

Kings Majesty, his Heirs and Successors by our Charter and the Government established thereby; Do Swear accordingly by the Great and dreadfull Name of the Ever Living God, That you will bear Faith and true Allegiance to our Sovereigne Lord the King, his Heires and Successours; And that by your best skill and ability you will Faithfully discharge the Trust committed to you, according to the Tenour and Purport of the Commission given you by this Court. So help you God &c.

*Treasurers
Oath*

WHereas you [*R. R.*] are Chosen *Treasurer* for the Jurisdiction of the *Massachusetts* for this year and until a new be Chosen, Do promise to give out Warrants with all convenient diligence for collecting all such sums of Money as by any Court, or otherwise have been, or shall be appointed, and to pay out the same by such sums, and in such manner as you shall be lawfully appointed by this Court, if you shall have it in your hands of the common Treasury. And to return the names of such Constables as shall be failing in their office in not collecting and bringing in to you such sums as you shall give Warrant for: And render a true Accompt of all things concerning your said Office, when by the General Court you shall be called thereto. So help you God in our Lord Jesus Christ.

*Secretaries
Oath*

WHereas you [*E. R.*] are chosen *Secretary* for the year ensuing; You do here Swear by the Everliving God, that you will in all things faithfully demean your self in the said Office; That you will truly and uprightly, according to your best skill and Wisdome frame all Acts and Instruments of publick concernment referring to your Office, duely observing such Directions as shall from time to time be given unto you by the General Court or Council of this Common-weal, and fairly Record, and safely keep the same: That you will not disclose the consultations of the General Court where at any time you shall have express charge of secrecie, nor of the Council where at any time you shall have like charge of secrecie: That you will without delay impart to the Governour or Deputy Governour, what ever Letter or Information shall come to your hand, referring to your Office, and of publick Concernment to the Common-weal, General Court or Council; and that you will not wittingly or willingly exceed the limits of your place. So help, &c.

*Publick Notaries
Oath.*

YOU [*W. A.*] here Swear by the Name of the Everliving God; That in the Office of a Publick Notary to which you have been chosen; You shall Demean your self diligently and faithfully according to the duty of your Office; and in all Writings, Instruments and Articles that you are to give Testimony unto when you shall be required, you shall perform the same truly and sincerely according to the nature thereof, without delay or Covin. And you shall enter and keep a true Register of all such things as belong to your Office. So help you, &c.

YOU [*E. M.*] shall diligently, faithfully, and with what speed you may, collect and gather up all such fines and sums of money, in such Goods as you can finde of every person, for which you shall have Warrant so to do by the Treasurer for the time being; And with like faithfulness, speed and diligence, leavie the Goods of every person, for which you shall have Warrant so to do, by virtue of any Execution granted by the Secretary or other Clerk Authorized thereunto for the time being: And the same Goods so Collected or Leavied, you shall with all convenient speed deliver in to the Treasurer, or the persons to whom the same shall belong; And you shall with like care and faithfulness serve all Attachments directed to you which shall come to your hands, and return the same to the Court where they are returnable, at the times of the return thereof. And you shall perform, do, and execute all such lawful Commands, Directions and Warrants, as by lawful Authority here established, shall be committed to your care and charge according to your Office. All these things in the presence of the living God, you binde your self unto by this your Oath, to perform during all the time you continue in your Office, without favour, fear, or partiality of any person. And if you meet with any case of difficulty, which you cannot resolve by your self, you may suspend till you may have Advice from Authority: So help. &c.

*Marshals
Oath*

FOrasmuch as every *Magistrate, Associate, Commissioners for small Causes, &c.* are under an Oath of God, and that no provision hath been made for such as are invested with *Magistratical power by this Court*;

It is Ordered; That every man to whom such power is derived, shall henceforth take the Oath here under written before some County Court or Magistrate, before he Exert his Authority therein:

VWhereas you [*A. B.*] Appointed and Commissionated to Act and Do in sundry respects as any one Magistrate may do, as expressed in your Commission; You do here Swear by the Great and Dreadful Name of the Everliving God, that you will faithfully Demean your self therein, without favour or affection to any, to the best of your knowledge, according to the Laws here established: So help you God, &c.

*Commissioners
Oath*

YOU [*M. N.*] being chosen Associate for the Court for this year, and till new be chosen, or other Order taken; Do here Swear, that you will do equal Right and Justice in all Cases that shall come before you, after your best skill and knowledge according to the Laws here established, So help you God, &c.

*Associates
Oath*

VWheresoever any Three Men are deputed to end Small Causes, the Constable of the place within one Moneth after shall return their Names to the next Magistrate, who shall give Summons for them forthwith to appear before them; who shall administer to them this Oath;

Three mens Oath **Y**OU [*A. B.*] being chosen and appointed to end small Causes not exceeding *forty shillings* value, according to the Laws of this Jurisdiction for this year ensuing; Do here Swear by the living God, that without favour or affection, according to your best light; you will true Judgement give, and make, in all the Causes that come before you: So help you God, &c.

Grand-jurres Oath **Y**OU Swear by the Living God, that you will diligently inquire and faithfully Present to this Court whatsoever you know to be a breach of any Law established in this Jurisdiction according to the minde of God; And whatsoever Criminal Offences you apprehend fit to be here presented, unless some necessary and Religious tye of Conscience truly grounded upon the Word of God binde you to secrecie. And whatsoever shall be legally committed by this Court to your Judgement, you will return a true and just Verdict therein according to the Evidence given you, and the Laws Established amongst us: So help you God, &c.

Petty-jurres Oath **Y**OU Swear by the Living God, that in the Cause or Causes now legally to be committed to you by this Court; You will true Tryal make, and just Verdict give therein, according to the Evidence given you, and the Laws of this Jurisdiction: So help you God, &c.

Oath of Life and Death **Y**OU Do Swear by the Great Name of Almighty God; that you will well and truly try, and true deliverance make of such Prisoners at the Bar, as you shall have in charge, according to your Evidence: So help you God, &c.

Witnesses Oath **Y**OU Swear by the Living God, that the Evidence you shall give to this Court concerning the Cause now in question, shall be the Truth, the whole Truth, and nothing but the Truth: So help you God, &c.

Untimely Death **Y**OU Swear by the Living God, that you will truly present the Cause and manner of the Death of [*J. B.*] according to Evidence, or the light of your Knowledge and Conscience: So help you God, &c.

The Form of the Oath to be Administred to the Sergeant-Majors of the several Regiments, and so Mutatis Mutandis to the other Military Officers.

Sergeant Major & other chief Officers Oath. **W**HEREAS you [*R. S.*] have been chosen to the Office of Sergeant Major of the Regiment, in the County of [*M.*] for this present year, and until another be chosen in your place; You do here Swear by the Living God, that by your best skil and ability, you will faithfully discharge

discharge the trust committed to you, according to such Commands and Directions as you shall from time to time, upon all occasions receive from the Sergeant Major General, by virtue of his Commission from the Court, and according to the Laws and Orders by this Court Made and Established in this behalf: So help you God, &c.

YOU [*R. B.*] Swear truly to perform the Office of a Clerk of a Trained Band, to the utmost of your Ability or Endeavours, according to the particulars specified, (and peculiar to your Office) in the Military Laws: So help you God, &c. *Clerk of the Bands Oath*

YOU shall faithfully Endeavour with all good Conscience, to Discharge this trust committed to you, as you shall apprehend to Conduce most to the safety of this Common Wealth: You shall not by any sinistre devices, or for any partial respects, or private ends, do any thing to the hindrance of the effects of any good and seasonable Councils; You shall appoint or remove no Officer by any partiality, or for personal respects or other prejudice, but according to the merit of the person in your apprehensions: You shall faithfully endeavour to see that Martial Discipline may be strictly upholden, not easing or burthening any, otherwise then you shall judge to be just and equal: You shall use your power over mens lives, as the last and only means, which in your best apprehensions shall be most for the publick safety in such case: So help you God, &c. *Commissioners of the Martial Discipline Oath*

WHEREAS you [*E. G.*] are chosen Constable within the Town of [*C.*] for one year now following, and until other be sworn in the place: You do here Swear by the Name of Almighty God, that you will carefully intend the preservation of the Peace, the discovery and preventing all attempts against the same: You shall duely execute all Warrants which shall be sent unto you from lawful Authority here Established, and shall faithfully execute all such Orders of Court as are committed to your care: And in all these things you shall deal seriously and faithfully while you shall be in Office, without any sinistre respects of favour or displeasure: So help you God, &c. *Constable's Oath*

WHEREAS you [*J. G.*] are chosen an Officer for the Searching and Sealing of Leather, within the Town where you now dwell, for the space of a year, and till another be chosen and sworn in your room; You do here Swear by the Ever living God, that you will carefully and duely attend the Execution of your said Office with all faithfulness for the good of the Common-wealth, according to the true intent of the Laws in such case provided: So help you God, &c. *Leather Sealers Oath*

*Clerk of
Markets
Oath*

YOU [C. D.] here Swear by the Ever living God, that you will from time to time, faithfully execute your Office of Clerk of the Market in the Limits whereto you are appointed for the ensuing Year, and till another be chosen and sworn in your place: And that you will do therein impartially, according to the Laws here established in all things to which your Office hath relation: So help you God, &c.

*Searchers
Oath*

YOU [S. S.] do here Swear by the Ever living God, that you will to your power faithfully execute the Office of a Searcher for this year ensuing, and till another be chosen and sworn in your place concerning all Goods prohibited, and in special for Gun powder, Shot, Lead, and Amunition: and that you will diligently search all Vessels, Carriages, and Persons that you shall know, suspect or be informed, are about to transport or carry any thing out of this Jurisdiction contrary to Law. And that you will impartially seize, take, and keep the same in your own Custody: one half part whereof shall be for your service in the said place, the other you shall forthwith deliver to the Treasurer: All which Goods so seized and disposed you shall certify under your hand to the Auditor General within one moneth from time to time: So help you God, &c.

*Apprizers
Oath*

WHereas you [T. D.] are chosen Apprizer of such Land or Goods as are now to be presented to you; You do here Swear by the living God, that all partiality, prejudice and other sinistre respects laid aside, you shall Apprize the same, and every part thereof, according to the true and just value thereof at this present by common account by your best judgement and conscience: So help you God, &c.

*Viewers of
Pipe-staves
Oath*

WHereas you [J. B.] are chosen Viewer of Pipe-staves within the Town of [B.] You do here Swear by the Ever living God, that at all convenient times while you shall be in place, when you shall be required to execute your Office, you shall diligently attend the same, and shall faithfully without any sinistre respects, Try and Sort all Pipe-staves presented to you, and to make a true Entry thereof according to Laws So help you God, &c.

*Customers
Oath.*

WHereas you [A. B.] are chosen Customer for the year ensuing, You do here Swear by the Ever living God, that you will from time to time faithfully execute your Office to your best skill, according to the Orders of this Court, for the Custome of all such Goods as are Imported or Exported, due by Law unto the Country, and all other things belonging to your Office, and to give a true Accompt to the Treasurer at the end of every three Moneths from time to time, or when you shall by Law be thereunto required: So help you God, &c.

You

YOU Swear, &c. That you shall Impartially view such Fish as are presented before you, and determine what part thereof is Merchantable, and which is Refuse Fish and un-Merchantable, according to your best skill, knowledge and judgement: So help you God, &c.

Viewers of Fish Oath.

WHercas you [*A. B.*] are chosen a Packer of Beef, Pork, and other things for the Town of [*B.*] You do here Swear by the Living God, that you will well and truly Pack all Beef, Pork, and other things when you shall be thereunto required; You shall Pack no kinde of Goods but such as are good and sound, nor any Goods in any Cask that is not of a just and full Gage; You shall also set your particular Mark upon all Cask Packed by you, and in all things proper to the place of a Packer, you shall faithfully discharge the same from time to time according to your best Judgement and Conscience: So help you God in our Lord Jesus Christ. [*1652.*]

Packers Oath.

F I N I S.

F R A T A.

PAge r. line 8 read & *May 1671.* in *Bondslavery* l. 3. r. or shall for as. Coopers p. 17. l. 12. r. pag. 64. l. 24. r. pag. 88. p. 40. l. 4. r. the Subscription l. 9. r. Administrators p. 46. l. 5. r. Ministry. l. 12. r. Heterodox. l. ult. r. 1668. p. 54. sect. 2. of Fornication. l. 2. r. pag. 33. & after Punishment r. pag. 67. p. 56. l. 26. r. priviledge. l. 30. r. suffrage. p. 57. l. 2. *delc.* made. p. 77. l. 2. r. appoint thereunto p. 84. l. 31. r. being thereof. p. 70. l. 2. r. pag. 39. p. 116. l. 1. r. relating p. 80. l. 27. r. expressed. p. 15. for Sect. 18. r. 14. for. 17. r. 16. next page r. folio 16. l. 6. r. that. p. 102. l. 21. r. 1670. p. 9. l. last but one r. Feoffees in l. ult. r. 1671. p. 73. l. 8. r. are p. 134. l. 17. r. proceed. p. 155. l. 11. r. Explication.

A Summary of the LAWS foregoing Alphabetically Digested,

Wherein P. standeth for Page, and S. for Section;
For the right Improvement whereof, the Reader must supply the figures of some Sections in the Laws, where they are omitted:

A	Folio.	
Ability. Age.		Reasons therefore to be entred six dayes before the Court. <i>ibid.</i>
For persons to pass away Lands &c. p. 1. s. 1.		Not Prosecuted to effect the penalty. <i>ibid.</i>
For chusing Guardians. <i>ibid.</i>		Who may sit as Judges in such Actions. p. 4. s. 3
For Plaintiffs or Defendants. p. 2. s. 2.		How to be proceeded in. <i>ibid.</i>
Who may defend the right of them that are under age. <i>ibid.</i>		From Associates Court in Dover & Portsmouth. p. 4. s. 4
Persons of any age to answer for Crimes, &c. <i>ibid.</i>		From one Magistrate to County Court, see Burglary. p. 13. s. 2.
May inform or present any misdemeanour. <i>ib.</i>		From one Magistrate and Commissioners of Towns, see Causes. p. 2. c. s. 2.
		From all or any the Commissioners of Boston to Court of Assistants. p. 22. s. 3.
<i>Actions.</i>		By Disobedient children sentenced by a Magistrate or Commissioner, see children. p. 27. s. 2
When Tryable. p. 2. s. 1.		To County Court from Select men doing damage by laying out High wayes, see High wayes. p. 65. s. 2.
Rules for Entry. p. 2. s. 2.		From one Magistrate to County Court, see Lying, p. 92.
No Plan, or Evidence allowed after a case is committed to a Jury. p. 2. s. 2		By Towns and Peculiars in case: see Poor p. 123. s. 2.
Of Trespas under 40. s. p. 2. s. 3		By single persons to County Court in case: See Townships. p. 148. s. 3.
Brought to the General Court p. 3. s. 6.		<i>Appearance, Non-appearance.</i>
Plaintiffs liberty to withdraw. p. 3. s. 7.		Not punishable in case, p. 4.
In civil Actions every one secured from damage by non-appearance of any, <i>See appearance, non-appearance.</i> p. 4.		Not to prejudice any in civil Actions. <i>ibid.</i>
In involuntary Trespas, not to proceed in case, <i>See Cattle.</i> p. 18. s. 3		Persons liberty not to appear on Summons in case, See Attachments. p. 7. s. 2
		Of a person Indicted of a Capital crime, his Goods and Estate to be seized in case, See Capital Laws, p. 16. s. 17.
<i>Appeal.</i>		<i>Apparel.</i>
From Inferiour Courts to Courts of Assistants p. 3. s. 1.		Who may wear Gold, &c. p. 5. s. 1.
How and when to be Entred. <i>ibid.</i>		Penalty of ten shillings on all not allowed, <i>ibid.</i>
From one Magistrate to County Courts <i>ibid.</i>		Further penalty. p. 6. s. 2.
In criminal cases how to be proceeded in <i>ibid.</i>		<i>Arrests.</i>
From Court of Assistants to General Court in case. <i>ibid.</i>		Not allowed in case, p. 6. s. 1.
Execution not to be granted in case. s. 1.		Not against Sailors in case, see Sailors. p. 134
In matter of Law to be determined by the Bench. <i>ibid.</i>		A
In matter of Fact by Bench and Jury. <i>ibid.</i>		A
Recording to be paid by the Appellants p. 4. s. 2		A

The Table.

Associates.

One may punish Breach of the Peace, See
Breach of peace. p. 11. s. 1.
The rules of punishment. *ibid.*
To be allowed by the General Court, See
Courts. p. 37. s. 7.
With one Magistrate may keep a County
Court. *ibid.*
Their power. *ibid.*
Have Magistratical power, See Presidents.
p. 166.
Their Oath. *ibid.*
Attachments or Summons.
May be taken out against any person. p. 7. s. 1.
Not to be granted to a Foreigner in case. *ib.*
Of good, &c. persons to have legal notice,
ibid.
To be served six dayes before the Court. s. 2.
Pleading, &c. not abated how, *ibid.*
To express the case, *ibid.*
To express in what name, the Plaintiffe lu-
eth p. 8. s. 3.
May be served by Marshals, s. 4.
Or their Deputies, See form of Attachments
in Presidents, p. 162.
May be directed to Constables, see Clerks
of Writts, p. 29. s. 1.
Or their Deputies see Presidents, p. 162.
Not granted against Saylor's, in case, see Say-
lors, p. 134.
On Goods not freed till Execution be ser-
ved, see Sureties, p. 144.
Form of Attachment, and Summons, and
Bond, See Presidents. p. 162.

B

Bakers

To have a distinct mark for Bread. p. 8. s. 1
To make Bread of due assize on penalty,
ib. To Assize all Bread used in their Houses
on penalty. p. 9. s. 2.

Ballast.

Not to be taken from any shore without
leave, on penalty, p. 9.
Not to be cast into a channel, &c. on penalty
ibid.

Barratry.

What and how punished. p. 9.

Benevolence

When to be granted. p. 9. s. 1

To publick uses to be rightly improved, *ibid*
Bills.

Assigned good to the Assignee in case, p. 10.
Bond-slavery.

Not allowed, but servitude declared, p. 10

Bounds of Towns and Persons.

To be laid out in twelve months after the
Grant, p. 10. s. 1.

Marks once in three years to be renewed &
when, on penalty of neglect. *ibid*

Charges of perambulation, how to be paid,
ibid.

Particular Bounds to be viewed once a year
on penalty. p. 10. s. 2

Brewers.

What persons to be allowed p. 11
Penalty on sale of bad Beer, *ibid*

Breach of the Peace.

What the penalty, who may punish, the
rules of punishment p. 11. s. 1

Detainers of possession after Execution are
breakers of the peace and Criminal offenders
s. 2

To be punished by the Court that gave
Judgement *ibid*

Bridges.

Defective, by whom to be regulated p. 12. s. 1
By whom the charge to be defrayed *ibid.* see
more

Burglary and Theft.

What, how punished p. 12. s. 1
On the Lords day how punished *ibid*

In Orchards &c. how punished p. 13 s. 2
Stealing 10 s. and upward how punished, s. 3

Concealers of Theft, and taking private sa-
tisfaction, the penalty *ibid.*

C

Capital Laws.

SEE p. 14, 15
Firing a Dwelling House &c. see firing
p. 51 s. 2

Heretic p. 60 s. 2
Quakers p. 61 s. 9
Jesuites p. 67

Cask and Cooper, Gager, Packer.

That are tight to be of London assize
p. 16 s. 1

Cask } To be marked with the Gagers mark
ibid

That

The Table.

Cask	{ That are defective, forfeited to the informer <i>ibid</i> Penalty to the Country besides <i>ibid</i>	Indians who have Land given them or Purchased by them for Plantation, to be fenced at their own charge <i>ibid</i>
Coopers	{ To have a distinct Brand-mark on a penalty <i>ibid</i> To make all cask of good Timber &c. and no other on penalty <i>ib</i>	<i>Charges Publick.</i> No person to be employed in publick service at their own charge p 22 s 1
Gager	{ To Gage all cask for Liquor, Beef, &c. and no other on penalty <i>ibid</i> His Fees for Gaging <i>ibid</i>	Every Inhabitant to bear publick charge in Church and Common-weal s 2 Any not paying their full proportion, compellable thereunto <i>ibid</i>
Packers	{ To pack no Beef, &c. but in cask of full assize on penalty <i>ibid</i> To see Meat & Fish truly packed, s 2 His Fees for Packing <i>ibid</i> p 17 For viewing <i>ibid</i> Fifhor Flesh sold not marked forfeited <i>ibid</i>	<i>Country Rates</i> Lands and Estates Ratable where they lye, persons where they dwell <i>ibid</i> To be leaved by Warrant from the Treasurer P 23 S 3 To be made in the sixth moneth <i>ibid</i> Who and what is ratable <i>ibid</i> Rules for Assessments <i>ibid</i> To be paid where persons are Assessed <i>ibid</i> To be paid in Corn at price set by the General Court, or Commissioners mentioned, p 4 s 6
Coopers, staves, See Pipe staves		What is meant by publ assessement, <i>ibid</i> . p 25 Goods tendred for pay, to be prized on the place, if not determined by Law p 26 s 6 Ministers Ordained, free from all Taxes except, &c. p 26 s 7
Cattle, Corn-fields, Fences.		<i>Children & Youth.</i> Youth, under 21 years of age, being trusted by any, without order in writing, such persons shall lose their Debt p 27 S 4. Incurring any penalties, such as are occasions thereof shall pay it <i>ibid</i> Children: Orphans in minority, not to be disposed off but by Authority, except in Marriage p 28 s 6 The minority of women in case of Marriage <i>ibid</i> Under 14 years of age prophaning the Sabbath, how punished, See Sabbath p 132 s 1
Cattle that feed without a Keeper, to be Branded p 18 s 3		<i>Chyrurgeons, Midwives, Physitians.</i> Not to use any violence or force in their practise in any case, without consent P 28
Not marked trespassing to pay double damage <i>ibid</i>		<i>Clerk of the Writts, Clerks</i> To keep Records of the Towns Brand-mark See Corn-fields p 13 s 3 To grant Summons & Attachments, &c. See Clerk of Writts P 29 s 1 His fees <i>ibid</i> To Record Horses shipt off, See Horses s 1 His fees <i>ibid</i> To Record Births, Deaths and Marriages, See Records P 129 s 2
Unruly, not to go without Fetters <i>ibid</i>		
Trespassing, damage to be viewed by two of the Town and judged <i>ibid</i>		
Owners when known to pay the damage, Rules to issue such damage, the damage secured, <i>ibid</i>		
Goats		
Found damage of a Goat to be secured <i>ibid</i>		
Doing trespass to any through their own default, no damage to be paid <i>ibid</i>		
All harms by them, the Owners to pay double damage p 18 s 4		
Corn-fields.		
Lying in common, to be fenced by the owners p 17 s 1		
No Cattle to be put in while Corn there <i>ibid</i>		
Who may determine differences about them <i>ib</i>		
Any Occupier may Fence in several s 2		
Partition Fences how to be made and ordered p 19 s 7		
Proviso for House-Lot under ten Acres <i>ibid</i>		
Where insufficient, no damage except &c. <i>ibid</i> & p 20. S 8		
Cattle.		
Damaging Indians Corn, to be made good in case See Indians p 76 s 7		
Damage by Indians to be made good by them, <i>ibid</i> p 77		
Indians refusing to Fence, help being tendred them, shall have no damage <i>ibid</i>		

The Table.

- To make a return of the same yearly to Clerks of County Courts, on penalty, *ibid*
 To keep a Toll-book to enter all Cattle sold into, *See Tolling* P 147
Of Deputies
 To keep on file the Constables returns of Deputies, *See Deputies* P 41 S 5
 To receive fees for entry of Petitions: *See Petitions* P 121
 To give account of Petitions entred to the Deputies, which shall be allowed as part of his Salary *ibid*
Of Courts.
 To return Reasons of Appeal to the Court of Assistants, *See Appeal* p 4 S 2
 To sign Warrant for Executions in cases civil or criminal, *see condemned* p 30 S 2
 To enter all Graunts, Sales, &c. *see Conveyances* p 33 S 5
 To signify to Country or County Treasurer within 14 dayes what fines are imposed on any, *See Courts* p 51
 To send Warrants to Towns to chuse Jurors: *see Jurors* p 80 S 1
 To grant Execution for what is unpaid on a former Execution, *see Marshall* S 2
 To certifie County Court the neglect of Clerk of Writts, *see Records* p 130 S 2
 To Record Straies & lost goods and return to the Country Treasurer, *see Straies* p 142 S 2
 To send the Order about Children to Constables, *see Townships* p 149 S 7
 To keep a Book of Account of Entry of Actions on penalty: *see Treasurers*, p 151 S 4
 To enform Coun. Co. of any renouncing Execution, &c on penalty, *see Wills* p 158 S 1
 To enform County Courts of any Will proved, or Administration granted S 2
Of Trained Bands.
 May take Fines by Distress, by order of the Major & chief Officers, *see Military* p 107 S 2
 To provide Arms P 109 S 8
 To take the Oath belonging to his Office, & to pay a penalty on refusal S 10
 His duty, *see Military* P 107, 110 S 10
Of Troops.
 To take the Oath belonging to his Office P 113 S 16
 To Leavy fines, & his fees *ibid*
 When to make Distress *ibid*
 To Leavy fines for not Watching p 114 S 18
Of Markeis.
 To take the Oath of his Office p 115 S 1
 His Duty *ibid*
- Colledge.*
 To be managed by Feoffees P 29 S 1
 The major part of Feoffees may make Orders *ibid*
 Dispose of Gifts and Revenues *ibid*
 The whole number may Repeal and Alter Orders *ibid*
 May distribute the Countries allowance to President and Fellows *ibid*
Commissioners.
Of United Colonies.
 Their Power: *see Presidents* P 163
Of Shires their duty.
 By whom appointed, *see Elections*, P 47 S 3
 To carry the Votes for Nomination of Magistrates to be opened at Boston *ibid*
 The time when, and before whom to be opened *ibid*
 To make return to the severall Constables under their hands of the persons to be nominated for Magistrates *ibid*
 Commissioner for Suffolk to appoint the place for opening the votes *ibid*
Commissioners of Towns.
 In every Town to receive & carry the votes for Nomination of Magistrates and County Treasurers to the Shire meeting, when, and how to proceed: *see Elections* P 47 S 3
 To chuse one out of themselves to carry the Votes of the Shire to Boston *ibid*
For making Rates.
 To joyn with the Select men in making Rates and by whom to be chosen P 23 S 3
 To meet at the shire Town the first fourth day in September, with their Assessments to be examined and corrected p 24 *ibid*
 To return to the Treasurer under their hands what is to be levied on every Town, on penalty *ibid* p 24
 To prize Corn for Rates.
 The Commissioners of Essex, Suffolk and Middlesex where the General Court doth not, to Prize Corn *ibid*
Commissioners of Boston.
 To be annually chosen, *see causes* p 21 S 3
 The number to be chosen *ibid*
 To be approved by the Court of Assistants, and sworn by them, or Governour, or Deputy Governour *ibid*
 To try Causes to ten pounds, the extent of their power, their Court stated, to publish their Court dayes *ibid*
 To

175

The Table.

- To impose fines to 40s. p 22 s 3
- May by Warrant summon any offenders to appear, and may punish as one Magist. *ibid*
- To have a Commission under the Secretaries hand *ibid*
- To fine persons for galloping in the Town, *See Galloping* p 57
- May fine any not brewing Beer according to Law, *See Inkeepers* p 80 s 2
- to have Magistratical power, *see Presid.* p 166
Commis. to try small Causes in Towns.
- To be chosen by Court of Assistants or County Court, *see Causes*, p 20. s. 1.
ibid
- their power
- to take an Oath *see Presidents*, p 166
- May punish breach of the Peace, *see breach of the peace* p 11 s 1
- May punish unruly Children, *see Childr.* 27. 2
- May punish any entertaining such Childr. s 3
Every Commissioner on Oath.
- May dispose of Cards and Dice brought in involuntarily, *see Gaming* p 58 s 4
- May punish Gamesters by fine or corporal punishment *ibid*
- May punish or fine a drunken Indian, *see Indians* s 11
- May punish any that are drunk, *see Inkeepers* p 81 s 5
- May punish wanton & rude singing in publick houses s 17
- May punish any found in publick houses after prohibition of Select men s 19
- To keep Records of Judgements given against any person, *see Records* p 129 s 2
- May punish prophaners of the Sabbath, *see Sabbath* p 132 s 1
- May punish any drinking in Ordinaries after Sun set s 2
- May punish any neglecting to watch, *see Watches* p 154 s 1
- May take the testimony of any of 14 years of age, *see Witnesses* p 158 s 2
- A Commissioners Court.*
- May punish any Retailer of strong waters, or private house-keeper, for permitting any to tipple, *See Inkeepers* p 81 s 7. p 82 s 8
- No Commissioner may give counsel in case *See Counsel* p 34
- None to be allowed Commissioner in any Town but such as are approved, *see Causes* p 22 s 4
- Commissioners of Indians.*
- Authorized may issue Cafes among themselves as one Magistrate, and to have Officers to execute Commands and Warrants
- See Indians* p 77 s 9
- With one Magistrate, have the power of a County Court *ibid*
- Condemned.*
- No person to suffer within 6 dayes after judgement but in special cases p 30 s 2
- Not to be unburied 12 hours except for Anatomy *ibid*
- Constable his Office & Duty.*
- By Warrant to impress Workmen, *See Bridges* p 12 s 1
- To leavy fines granted by a Magistrate to 40s *See Burglary*, p 13 s 2
- To return to County Courts what fines received *ibid*
- By warrant to search for stolen goods and apprehend any suspicious person s 3
- To present the Gager to take Oath within a moneth on penalty, *See Ca k* p 16 s 1
- To leavy fines by warrant from Select men, *See Cattle* p 19 s 6
- To serve Warrants or Attachments tryable before a Magistrate, *See Causes*, p 20 s 1
- To obey the Warrants of three Commissioners in Towns *ibid*
- To obey and assist the Commissioners of Boston s 3
- To warn Freemen to chuse a Commissioner in making Rates, *see Charges Publick*, p 23 s 3
- To collect Country Rates, and pay to the Treasurers Order *ibid*
- To clear their accompts with the Treasurer on penalty p 25 s 4
- To Presse Boats or Carts to carry in Rates, and to collect after expiration of his Office, *ibid*
- His danger in not obeying the Treasurers Warrant *ibid*
- To leavy Rates on strangers s 5
- To inform of persons entertaining Youth, &c. *See Children* p 27 s 3
- To serve Attachments, *see Clerk of Writts* p 29 s 2
- His Deputy may serve Attachments, *See Presidents* p 162
- To whip any that are sentenced thereto *See Constables* p 31 s 2
- To collect Rates by Order of Select men, *ib.*
- To convey offenders accord. to Warrant *ib.*
- To make Hue and Cry where no Magistrate is near p 31 s 3

The Table.

- To pursue Hue and Cry *ibid*
- To apprehend Offenders *ibid*
- To search for such persons on the Sabbath day, or else p 31 s 4
- To apprehend no person without Warrant in writing *ibid*
- May require aid in the execution of his Office p 31 s 5
- To have a Black staff tipped with Brass when he executes his Office p 31 s 6
- Not pursuing Hue and Cry the penalty, *ibid*
- To Summon a Jury on untimely death, See *Untimely death* p 39
- To return the names of Deputies chosen & for what time on penalty, see *Deput.* p 41 s 5
- To levy Rates for Ministers maintenance, See *Ecclesiastical* p 45 s 18
- To receive votes for Election in case, See *Elections* p 47 s 2
- To Summon Freemen for Nomination of Magistrates, and when p 47 s 3
- To signify to the Freemen who are to be put to vote for Magistrates on the day of Election *ibid* p 48
- To apprehend by Warrant deniers of Scripture, See *Heresie* p 59 s 2
- To present idle Persons before a Magistrate, See *idle Persons* p 66
- To assist the Custome Master in case, See *Imposts* p 68 s 2
- To levy by Warrant fines on any that refuse to assist the Custome Master *ibid*
- To serve Warrants to presse Workmen, See *Impresses* p 75 s 1
- To convey Indians that are found with Liquors, &c. before a Magistrate or Commissioner, See *Indians* p 77 s 12
- To commit a drunken person to Prison, or secure him in case, See *Inkeepers*, p 81 s 5
- To inform a Magistrate or Commissioner, or Select men where no Magistrate or Commissioners are of such cases *ibid*
- To return all fines received of drunken persons to the Treasurer *ibid*
- To make search for all offenders against this Law on penalty p 83 s 14
- To call the Freemen to chuse Jurors and return the Warrant, See *Jurors* p 86 s 1
- To Summon any person residing here from their Relation, See *Marriage* p 101 s 4
- A Constable with 2 Inhabitants where no Magistrate is, may Presse Men & Boats to pursue Persons, See *Masters* p 104 s 3
- To enquire after Wheat, &c. landed and put to sale from foreign parts, See *Malt* p 106 s 2
- To carry a Souldier before a Magistrate being required thereto by the chief Officers, See *Military* p 108 s 6
- To provide Arms for Souldies p 109 s 8
- To Impresse Souldiers by Order p 110 s 12
- To levy Rates for Fortification *ibid*
- To assist Searchers for money on penalty, See *Money* p 119 s 3
- To present Cullers of Pipestaves before a Magistrate to be sworn, See *Pipestaves* p 122
- To provide for poor persons by Order, See *Poor* p 123 s 2
- In Port Towns to signify to Merchants and Masters the Law about Powder, See *Powder* p 126 s 1
- To whip any therunto sentenced, See *Sabbath* p 132 s 1
- To cause dogs using to course and bite sheep to be hang'd in case, See *sheep* p 138 s 2
- To keep accompt of straies and lost goods, See *Straies* p 142 s 1
- In Port Towns to inform Masters of Ships with the Law *tit. Strangers* p 143 s 1
- To inform of strangers received contrary to that Law *ibid*
- To levy fines about Swine, where no Select men are see *swine* p 145 s 1
- To apprehend Swearers, see *swearing* p 144 s 1
- To apprise Swine impounded and not owned p 146 s 3
- To levy fines by Order of Select men, see *Townships* p 148 s 5
- To acquaint Select men with the Order about Children p 149 s 8
- To serve all Warrants from Select men, p 150 s 9
- To levy fines by Warrant from the Treasurer, see *Treasurer* p 151 s 4
- To levy County Rates *ibid*
- To apprehend Vagabonds, with or without warrant, See *Vagabonds* p. 153.
- To warne and set the watch, and give charge See *watches*, p. 154. s. 1.
- To present any defective in watches to a Magistrate, *ibid*,
- To provide weights and measures see *weights* p. 155. s. 1.
- To

The Table.

To pay the Treasurer for sealing them; and to deliver them to the Select men <i>ibid</i>	Not to be dissolved without consent of the major part thereof S 5	
To obey Sealers Warrants <i>ibid</i>	To Judge of the miscarriage of any before them P 36 S 6	
To pay Indians for killing Wolves, <i>see Wolves</i> P 159 S 1	to appoint persons to keep County Court in case P 36 S 7	
To require Artificers to help in Harvest, <i>see Workmen</i> P 167	To allow of Freeman to be made, <i>see Freeman</i> P 56 S 4	
<i>Conveyances, Deeds.</i>		
For sale of Land or House not valid, &c. without Deed, &c. or acknowledgement before a Magistrate P 32 S 1	To conclude a vindictive War, <i>see Impresses</i> P 73 S 2	
How to be made <i>ibid</i>	To appoint persons to publish the Laws to Indians, <i>see Indians</i> P 77 S 8	
What exempted from this Law <i>ibid</i>	To appoint persons to inspect the Indians at Natick, &c. as to their manners S 9	
Obtained by Dures invalid S 3	To give Commissions to chief Military Officers, <i>see Military</i> P 108 S 4	
Fraudulent invalid <i>ibid</i>	To appoint Searchers for Powder, <i>see Powder</i> P 126 S 2	
For sale of House, &c. or Mortgage of no force against any other not being acknowledged and Recorded, the Graunter being in possession S 4	To punish any helping to break Prison, <i>see Prison</i> P 128 S 4	
Graunter to enter his Caution with Recorder of County Court <i>ibid</i>	Indefect of a Law in Capital cases, &c. to judge, <i>see privileges</i> P 1	
Graunter to be bound to Court of Assist. in case <i>ibid</i>	To dispose of any Whale cast up, <i>see wrecks at sea</i> P 161	
<i>Council.</i>		
In the vacansie of the General Court, are the Governour and Assistants P 33	<i>Court of Assistants.</i>	
To be called by Letters from the Govern. <i>ib.</i>	May appoint 3 Free men in Towns to issue Causes to 40. s. <i>see Causes</i> P 20 S 1	
The Governour, Deputy Govern. with six Assistants may impress Souldiers <i>ibid</i>	To approve the Commissioners of Boston, and give them an Oath P 21 S 3	
In extraordinary cases as many as appear, make a valid Act <i>ibid</i>	To be kept at Boston by the Governour or Deputy Governour and Magistrates, <i>see Courts</i> P 36 S 7	
Their power <i>ibid</i> P 34	Their Power <i>ibid</i>	
<i>Courts.</i>		
<i>General Courts</i>		
To appoint Brand-marks to Towns, <i>see Cattle</i> P 18 S 3	Two Courts to be kept yearly, the time when, <i>ib.</i>	
To be called by the Govern. in case, <i>see Council</i> P 33	May be call'd out of course by Governour or Deputy Governour for tryal of a Malefactor in Capital Cases <i>ibid</i>	
The chief power <i>Superiour Courts</i> , P 34 S 1	To try Capital Cases <i>ibid</i>	
To raise Money, Taxes, and dispose of Lands <i>ibid</i>	May discharge from Prison Persons unable to pay fines, <i>see fines</i> P 51	
To make Laws, &c. <i>ibid</i>	To try Quakers, <i>see Heresie</i> P 61 S 9	
No act to pass without consent of both houses P 35 S 2	to try any suspected for Jesuites, <i>see Jesuites</i> , P 67	
The Acts of this Court to be engrossed, and read the last day of every Session <i>ibid</i>	May order satisfaction for damage done to Cattle by Indians, <i>see Indians</i> P 76 S 7	
Difference in cases of Judicature, Civil or Criminal how issued <i>ibid</i>	To issue all matters beyond the cognizance of Indian Commis. Court, <i>see Indians</i> P 77 S 9	
Only can pardon a Malefactor P 35 S 4	May approve of any married Person residing here from their Relations, <i>see Marriage</i> P 102 S 4	
May send forth any person into foreign parts <i>ibid</i>	May appoint Searchers for Powder, <i>see Powder</i> P 126 S 2	
	May order and improve the Houses of Correction	

The Table.

- rection, see Prison P 117 S 2
 May Punish any for helping to break Prison 54
 To keep a Record of all Judgements given, see Records P 129 S 1
 To asajudge Persons trading on the Coast in case, see Ships P 141 S 6
- County Courts.*
- To manage Benevolence, See Benevolence. p. 9. s. 2
 May punish breach of the peace. see breach of peace. p. 11. s. 1, 2
 To regulate defective Bridges see Bridges. p. 12. s. 1
 May punish any for using other mens Cattle without leave, when and how, see Cattle. p. 19. s. 5,
 Not to receive any Action proper to one Magistrate, except in delamation & battery, see Causes. p. 20. s. 1.
 May with the Select men place out unruly children, see children p. 26. s. 1.
 May dispose of Orphans to service, p. 28. s. 6
 To approve Clerks of writts, see Clerks p 29 s 1
 To be kept by Magistrates in the County, or other Magistrates or such as the General Court shall appoint, see Courts p 36 s 7
 Their power *ibid*
 May constitute Clerks and other Officers *ib.*
 To keep set times *ibid*
 May set out Widows thirds in Lands, &c. see Dowries p 42 s 1
 To provide for Ministers maintenance, see Ecclesiastical p 45 s 13
 to give Grand jurors charge of enquiry of Towns neglect of providing an able Ministry p 46 s 19
 May discharge from Imprisonment such as are unable to pay fines, see fines p 51
 to appoint cullers of fish upon Oath, see fish p 52 s 2
 to punish such as kil Mackrel before July, 55
 to punish Fornication, see Fornication p 54 s 1, 2
 to order maintenance of a Bastard, p 55 s 3
 to give the Oath of Freedome to persons allowed by General Court, see Freeman p 56 s 5
 May punish Gamesters by fine or corporai punishment, see Gaming p 58 s 4
 to punish deniers of the Scriptures, see Heresie p 59 s 2
 to Punish maintainers of Erronius Doctrine p 63 s 8
 to appoint men in Towns to lay out Country High wayes, see High wayes p 64 s 1
 to order the removal of incumbrances in High-wayes, see High-wayes p 65 s 3
 to Punish idle Persons p 66 s 2
 to grant Licences to Ordinaries. &c See In-keepers p 79 s 1
 May punish In keepers not giving account of draught of Beer, see Imposts p 69 s 4
 to order satisfaction for damage to Cattle by Indians, see Indians p 76 s 7
 to Punish Indian traders allowed, and not giving account, and making Payment to the Treasurer p 78 s 12
 Executions not to be granted till twelve hours after Judgement, but by special order, see Appeal p 3 s 1
 to Punish such as Brew not Peer according to Law P 80 S 2
 May Punish Retailers of strong waters and private House-keepers, for permitting tipling in their Houses P 8: S 7 P 82 S 8
 to give Oath to Searchers and Sealers of Leather, see Leather P 89 S 4
 May approve of any married Person residing here from their Relation, see Adul-terage P 102 S 4
 May Punish Werk men taking wages above what is set in Towns by Freeman, see Masters P 105 S 4
 May give the Oath of Fidelity to Inhabitants and Strangers, see Oaths P 120 S 2
 to dispose and settle Poor Persons, see Poor P 123 S 2
 May appoint Searchers for Powder, see powder P 126 S 2
 May order and improve the House of Correction, see Prison P 127 S 2
 to appoint a Keeper to such House 53
 May punish any helping to break Prison, s 4
 to keep a Record of all Judgements given, see Records P 129 s 1
 May punish Clerks of Writts not making a return of Births, &c. P 130. s 2
 May determine punishment for defacers of Records, see Records P 131 s 3
 May punish Prophaners of the Sabbath, see Sabbath P 132 s 1
 May punish servile working on the Lords day P 134 s 4
 May

The Table.

May punish Select-men neglecting Orders for Salt-Peeter; <i>see Salt Peeter</i>	P. 135	to sit apart from the Magistrates & act,	35. 2
May take Order about Strangers; <i>see Strangers</i>	P. 123	No Deputy to depart without leave on penalty	35. 3.
May dispose of single Persons where Select-men neglect; <i>see Townships</i>	P. 149. 5. 7.	Exemption for Deputies of Dover, &c. <i>ibid</i>	
May leavy upon the County by Warrant to satisfie Arreares; <i>see Treasurers</i>	151. 4.	Miscarriages among them, to be sentenced among themselves	35. 6.
May punish Constables neglecting to gather County Rates	s. 5	How to be chosen; <i>see Deputies</i>	40. 1.
To give Oath to Sealers of Weights and Measures; <i>see Weights</i>	155. 1	Their power	<i>ibid</i>
May Punish Executors in case; <i>see Wills</i>	157. 1	May order their own House	40. 2.
May order Estate where no Executor or Administrator	158. 2.	To be chosen from Court to Court, or at most but for a year	41. 3.
May settle the Estate of Persons dying intestate	s. 3	How to be qualified	41. 4.
Judges related to Parties may not sit as judges in their case in any Court; <i>see Courts</i>	38. 9.	Nor to be absent the time of their sitting, on penalty	41. 5.
In difficult cases they may consult the General Court	s. 11.	With the Constable may take in Proxies for Elections; <i>see Elections</i>	47. 2.
The time and place for County Courts to Punish reproachers of Courts and Magistrates	37. 7.	Such Proxies to be sealed up and returned to the Court of Election	<i>ibid</i>
And the offences of any Members thereof; <i>ib Counties defective Bridges; see Bridger</i>	12. 1.	No Common Attorny to sit as Deputy; <i>see Deputies</i>	41. 5.
Penalty if any loose life &c. by defective Bridges	s. 2	<i>Distresse.</i>	
Penalty of treble damage in case <i>ibid</i>		For Rates Ordered; <i>see publ. charges</i>	25. 4
<i>Crucly.</i>		On Corn or Hay &c. to be secured on penalty; <i>see Distresse</i>	P. 41.
Not allowed	P. 39	<i>Dowries.</i>	
D		What & when to be set out to widows; <i>p. 42</i>	
<i>Untimely Death.</i>		In case of omission, who may set it out	<i>ibid</i>
T He enquiry how to be proceeded in;	P. 39	To be enjoyed enduring widows lives	<i>ibid</i>
<i>Debts by Book.</i>		Of Lands set out not to make strip & wast <i>ib</i>	
To be ballanced in three years	P. 40	<i>Drovers.</i>	
For custome of Wines, &c. recoverable by way of Action; <i>see Imposts</i>	68. 2.	Their liberty	P. 42.
<i>Defamation.</i>		E	
Of Courts or Magistrates punishable; <i>see Courts</i>	35. 6.	<i>Ecclesiastical.</i>	
By reproachful speeches in open Court; <i>ibid.</i>		VV Ho may gather Churches	49. 1
<i>Delinquents.</i>		How to be gathered	<i>ibid</i>
Summoned by Court or Magistrate to answer a Presentment or Crime, not answering when call'd the penalty; <i>see Jurors</i>	87. 6	To have free exercise of all Ordinances	s. 3
<i>Deputies for the General Court.</i>		To Elect and Ordain their Officers	<i>ibid.</i> s. 4
Not to proceed to Judgement in any case without an Oath; <i>see Courts</i>	34. 1.	To admit and dismiss Members, &c.	<i>ibid</i> s. 5
		To have no humane injunctions imposed on them	<i>ibid</i> s. 6.
		May celebrate dayes of Fasting, &c.	<i>ibid.</i> s. 7
		The Elders of Churches may meet about Church matters	<i>ibid.</i> s. 8
		May deal with their Members under the hand of Justice	<i>ibid.</i> s. 9
		May deal with their Members of any rank	44. 10
		Any Church member lyable to Justice; <i>ib.</i> s. 11	
		No Church censure to degrade any Officer in civil employ	<i>ibid</i>
		Private meetings of Christians allowed; s. 12	
		C	
		Who	

The Table.

Who may be constant Preachers and Ordained Elders.	<i>ibid.</i> s. 14	Of Recorder and Clerk of County Court.	
No Ordination to proceed without notice given	<i>ibid</i>	For filing Evidences &c. see Records	129. 1.
Open opposers of the Word &c. how to be proceeded with	45. 15		& p 130
Penalty on disturbing the peace and order of Churches	<i>ibid</i>	Of Commissioners Court of Boston.	
Who may call and ordain Ch. officers,	46. 20	See small Causes	21. 3.
	<i>Elections.</i>	Marshals.	
Of Assistants yearly how to be determined,	47. 1.	See Marshals	103. 54, 55.
Of Governour, Deputy Governour, Major General, Treasurer, Secretary, Commissioners of the United Colonies how made	<i>ibid</i> s. 2.	Addition in case	<i>ibid</i>
Of Assistants how proceeded in	<i>ibid</i> s. 13	Clerks of Troops.	
Penalty of any failing in their trust,	<i>ibid</i> s. 3.	See Military	119. 16.
	<i>Escheats.</i>	Fines.	
What and how disposed	p 49	To be presently paid, secured, or person committed	p 51
	F	May be respited by Courts	<i>ibid</i>
	Farms.	In all Courts, or by Magistrate or Commissioners for the Country, to be notified to the Treasurer in 14 dayes	<i>ibid</i>
T O be of the same wherein they lye,	p 49.	For Galloping in Boston, what to County Treasurer, see Galloping	p 57
	<i>Fairs and Markets.</i>	For keeping Christmasts, and Gaming, see Gaming	p 57, 58. 51, 2.
Where and when	p 49	For playing at Cards and Dice	<i>ibid</i> s. 3.
	<i>Ferries.</i>	For bringing in Cards	<i>ibid</i> s. 4
How to be regulated	50. 1.	For denying the Scriptures, what to Country Treasurer, see Heresie	59. 2
No Canoo to be used there on penalty	<i>ibid</i>	On Masters that bring in Quakers	60. 4.
Weymouth Ferridge what	<i>ibid</i>	On persons receiving Quakers	<i>ibid</i>
When to take double Ferridge	<i>ibid</i>	For Vessels trading with Indians, see Indians	75. 3.
Paying no Rent to the Country to take no Ferridge of Magistrates, Deputies &c. <i>ib.</i>		For trading with Indians, to the Country, s. 4	
None to press into Ferry boats without leave	<i>ibid</i> s. 2	For selling Boat or Vessels to Indians,	76. 6
No Ferry to suffer any to come into his Boat in case, on penalty	<i>ibid</i>	For insufficient Leather, see Leather, 90. 55.	
Who shall be first transported in Ferry boats	<i>ibid</i>	From all persons in all cases to be paid to the Treas. of the County where the party dwells except, see Treasures	151. 3.
	Fees.	Firing & Burning.	
For Entering of Actions, see Actions	2. 4	Woods or Common Ground, when unlawful, on penalty	51. 7.
Additional Fees in case	3. 5.	When lawful	<i>ibid</i>
	<i>Of Clerk of Writts.</i>	Any Frame, Timber, &c. wittingly and wittingly burnt, the penalty	<i>ibid</i>
For Warrants, Replevin, Attachment, Bond see Clerk of Writts	28. 1.	Any of 16 years of age firing a Barn, &c. how punished	<i>ibid</i> s. 2
For Recording Horses shipt off, see horses, 65. 1		A Dwelling House burnt, how to be satisfied for	<i>ibid</i>
For Recording Marriages see marriage, 101. 2		Fish, Fishermen.	
Additional Fees in case	<i>ibid</i>	All Cullers of Fish to be sworn	52. 2.
For Recording Births and Deaths, see Records	130. 5. 2.	Sworn Cullers to be in all fishing places	<i>ibid</i>
For Tolling Cattle, see Cattle.	p 147	All fish approved by them to be received	<i>ibid</i>
		The Cullers Sallery, & by whom to be paid, <i>ib.</i>	
		What fish declared Merchantable	<i>ibid</i>
		Liberty to cut Flakes regulated	<i>ibid</i> s. 3

The Table.

No Fish to be taken in spawning time on penalty	ibid. s. 4	Qualified according to Law, may be made free	ibid. s. 2, 4.
No Mackerel for salting to be kill'd till July, on penalty of forfeiture	ibid. S. 5	In Towns to set the price of workmens labour, see Masters	104. 4.
Fish salted with Tartaras salt, and thereby spotted, not Merchable	p 54. s. 6	With others in Towns to dispose of Lands, &c. see Townships	147. 1.
<i>Forgery.</i>		G	
What, and the penalty	p 54	<i>Galloping.</i>	
<i>Fornication.</i>		I N Boston, the penalty	
What, and the punishment	54. 1.		
By a Freeman, further punished	ibid. s. 2	<i>Gaming and Dancing.</i>	
The reputed Father of a Bastard to maintain it.	55. 3	Not allowed in Ordinaries	57. 1.
<i>Freemen.</i>		No common house for Gaming, on penalty to House-keeper and Gamester	ibid
May order Fences in Common fields where no Select men, see Corn fields	17. 2.	No Gaming for Money, or any to be abettors to Gaming on penalty	ibid
May determine differences in case	ibid	No Dancing allowed in Ordinaries on penalty	ibid
May by their Fcoffes or Proxies appear on the day of Election, see Courts	35. 3.	Penalty for keeping Christmas &c.	58. 2.
To send their Deputies to Gener. Courts, ib.		Penalty for playing at Cards and Dice, ib.	s. 3
Persons allowed by General Court for Freemen, to be sworn by County Courts,	38. 12	Penalty for willful bringing in Cards & Dice	ibid. s. 4.
To nominate such as shall keep Courts in Counties with a Magistrate	36. 7.	Involuntary free from penalty, upon giving notice to a Magistrate or Commissioner, ib.	
To give in their own Votes in Elections of Deputies, see Deputies	P. 40.	Persons that have played and inform thereof free from the penalty	ibid
According to their number may send Deputies to General Court	ibid	H	
Who may send, or not send	ibid	<i>Heresie.</i>	
May chuse their Deputies in another County	ibid. s. 2	S Undry Heresies and Errors obstinately persisted in, after conviction to be punished with Banishment	
May not chuse any person unqualified on penalty	41. 4.		
No person being a member of a Church not approved shall be made free, see Ecclesiastical	43. s. 2	Obstinate maintaining the said Opinions after recantation, how punished.	ibid
And none else to put in Votes for Elections on penalty, see Elections	47. 5.	Muggleton's Books to be brought to a Magistrate, on penalty	60. 3
Putting in more then one Vote for one man, the penalty	ibid	The said Book to be burnt in Boston	ibid
Not being at the Election may put in their Votes at home before the Deputy and Constable	ibid s. 2	Penalty on Masters of Ships that bring in Quakers	ibid. s. 4
two or three with the Constable may receive Votes for Elections in case	ibid	Such Masters to give security to carry them away, or be imprisoned	ibid
In Towns to chuse a Commissioner to receive the Votes for Nomination of Magistrates and County Treasurers to the Shire Town, and such persons to chuse a Commissioner among themselves to carry the Votes of that Shire to Boston.	48. 3.	Penalty on persons receiving & concealing Quakers	ibid
Exempted from voting in all civil Assemblies	ibid. s. 5	Penalty on encouragement of Quakers, &c.	ibid
		Penalty for dispersing Quakers Books,	ibid
		Penalty for reviling Magistrates and Ministers	ibid. s. 7

The Table

- Publishers of Erronious Doctrine, how punished *ibid.* 8.
 Quakers to be apprehended, and how proceeded with *ibid.* 8 9.
 Any persons defending their Opinions, and stirring up mutiny, how to be proceeded with *ibid.*
 Order against Vagabond Quakers, 62. 10
 Order against Vagabond Quakers only in force, the rest suspended 63. 11.
Hides, See Leather.
High-ways.
 For the Country to be laid out most conveniently with advice of the next Towns, 64. 1
 Not to be laid through Orchards, &c. *ibid.*
 To be 6, 8, or 10 Rod broad *ibid.*
 Any person endamaged by High-ways to have recompence as therein is provided, *ibid.*
 Incumbrances in High ways to be removed 65. 3
Horses and Mares.
 That are shint off, to be Recorded by Clerk of Writts 65. 1.
 No Master of any Vessel to receive any Horse or Mare aboard without a Ticket on penalty *ibid.*
 No person to sell or dispose of any Horse-kind to any Indian on penalty *ibid.*
 No Stone Horses to go on Commons but such as are approved by Select men, *ibid.* 5. 2
 A Toll Book to be kept in every Town by Clerk of Writts p 147
 All Horsekinde and other Cattle bought, to be Tolld on penalty *ibid.*
 The manner how Cattle must be Tolld, *ibid.*
 Any person that hath lost Cattle may search the Toll Book *ibid.*
Hue and Cry.
 The charge to be born by the procurers, see *Constables* 31. 7.
 I
Idle Persons
SEE House of Correction p. 67
Jesuites
 Forbidden to enter the Jurisdiction otherwise then the Law allows p 67
 The penalty on such, and how to be proceeded with *ibid.*
Imposts on Liquors.
 No Wines or Strong-waters to be landed before Entry, on penalty of confiscation p 67
 Except what comes from England 67. 1.
 Goods confiscate how disposed of *ibid.*
 Customs to be paid when Goods are landed *ibid.*
 The Custome Master to have Deputies under him *ibid.*
 Rates of Custome on Wines, &c. *ibid.*
 The Officers power and duty 68. 2
 Masters or Merchants heir g strangers to pay 6. d. a Tun for Ships above 200 Tun and 6. s 8. d. for lesser 69. 3.
 All Murr, Cyder, Ale, Beer to pay Excise *ibid.* s. 4
 Explanation of Entry of Wines 70. 5.
 Customs of Wines, &c. to be paid in money or the best of the Specie *ibid.*
Imposts on Goods and Provision.
 All Goods imported not exempt by other Laws, to be Ratable to the Country as other Estates 70. 1.
 Every Factor or Agent to pay 30 s. for every 100 l. imported *ibid.* s. 2.
 Every Master or Purser to certifie to the Collector the contents of this Lading before he break bulk, &c. *ibid.* s 3
 Every Collector to enter the several parcels, and to whom consigned *ibid.* s 4
 Every one receiving any Goods to give in to the Collector the full value 71. 5.
 Any person denying or delaying payment, the Collector may leavy the same by distresse *ibid.* s 6
 The Collector may require, and if need be distrain, and none may refuse on penalty *ib.*
 Penalty of falsifying, concealing or not producing Invoices of Goods *ibid.* s. 7
 Penalty on any bringing in Cattle, and putting them to sale before notice given to the Officer *ibid.* s. 8.
 Penalty of Beaver, &c. brought in and sold or shipt before Entry *ibid.* s 9.
 The Country Treasurer, with those deputed by him under his Hand and Seal to attend the execution of the aforesaid Laws, p 71, 72. S 10.
 All Officers employed by him to be accountable to him at all times *ibid.*
 Goods having paid Customs, not to be ratable again that year being in the Owners hands *ibid.* s. 11.
 The Governour and Council, or five Magistrates may give directions in any question that

The Table.

- that may arise about Customes *ibid.*s. 12
 The Treasurers Office to have a Seal *ibid*
 No Master of Vessel to deliver any Goods brought in without Order from the Collector *ibid* 1. 13.
 The revenue of all Goods brought in to Pascataqua to be paid in to the publick Treasury *ibid.* s. 14.
 As also all Customes of Wines, Goods and Powder for ships already received, to be paid to the Publick Treasury *ibid.*s. 15.
 Goods belonging to the Inhabitants of Pascataqua, to pay no Customs to the Treasurer 73. 16.
- Impresses.*
 No Workmen to be compelled to work from home above a week together 73. 1.
 None to be compelled to publick service or work, except the Presse be grounded on General Courts Act *ibid.*s. 2.
 Every person so pressed, to have reasonable allowance for his service *ibid*
 Persons exempt from Office, Warrs or publick service *ibid*
 None to be compelled out of the Jurisdiction, on an offensive, but only on a defensive war *ibid*
 No mans Cattle or Goods to be pressed but by Warrant grounded on some Act of General Court, and to be paid hire for them, and reparation in case of damage *ibid*
- Imprisonment.*
 No Bail or Main-prize to be taken for Capital cases, or Contempt in open Court, p.74.
- Indians.*
 Right of Land declared 74. 1.
 Reduced to civility, to have Alotments among the English *ibid*
 Civilized a competent number, so as to be capable of a Township, on Petition to the General Court, shall have Lands set out *ibid*
 Shall have relief in any Court against the English doing injury to them in their planting Grounds, &c. *ibid*
 No person to give, barter, or sell any Arms or Amunition to them on penalty, s.2.
 None of any forreign Nation or English to Trade with them in this Jurisdiction. p.75. s. 3
 Any person in this Jurisdiction may seize on Vessels or Goods in trading with them. *ib*
- None directly or indirectly to Trade with them but such as are allowed on penalty, s.4
 Encouragement to the Informer *ibid*
 None to give or sell Liquor to them on penalty, *ibid.* s. 5. unless in sickness, s.6.
 All Trading houses not allowed, to be demolished *ibid.*s. 5.
 None to sell any Vessel to them on penalty, *ibid.*s.6.
 The Laws in force among us to be published to them in subjection to us once a year, 77. 8.
 Powaws forbidden on penalty *ibid.*s.10
 Any person may seize any of them having Liquors, and deliver both to the Constable *ibid.* s.11.
 Trade with them for Peltry and Amunition to be allowed by the Treasurer 78. 12
 Every allowed Trader to pay for his License to the Treasurer, *ibid.* To give a true account *ibid.*
 The Law touching Trade with them to be only during the Courts pleasure *ibid*
- Indictments.*
 No Indictments, Complaint or Presentment of force if not made within one year after the offence, except in Capital cases, and Felonies above 10. s. wherein persons damnified to have their remedy according to Law p.79
- Inkeepers.*
 Every one to pay for draught of Beer, Cyder, &c. *see Imposs* 69. 4.
 To give account once a moneth on penalty of forfeiture of their License or otherwise *ibid*
 None may be a common Victualler, or sell Wine, &c. by retail without approbation of Select men, and license of County Court on penalty, *see Inkeepers* 79. 1.
 Merchants of Wine, and Stillers, &c. may retail Wine Liquors, &c. *ibid*
 Every one to have a Sign within 3 months after license granted on penalty *ibid*
 To be alwayes provided with good Beer, as the Law provides, on penalty p.80
 To put no Molosses in Beer Rerailed, on penalty 80. 2.
 Not to suffer any to be Drunk, or to drink excessively on penalty *ibid.*s.5
 That shall conceal in his House any person Drunk, or not make stay of him till a Constable

The Table.

Stable come, the penalty	ibid	penalty, and all present equally guilty in case	84. 17
Whom they may entertain in the night season	81. 6.	Any person that shall keep a house of Entertainment, without license had, and renewed according to Law, the penalty,	84. 18
Their Licenses forfeitable in case	82. 9	The penalty for any persons frequenting Ale houses when forbidden by Select men,	19
To provide for Strangers Horses on penalty	82. 10	<i>Judgements. Executions.</i>	
To pay 50. s. per Butt for what Wine they draw, and to accompt with the Treasurer every 6 moneths	ibid. s. 11.	When to be Entred, and when not, <i>see Attachments</i>	7. 1.
To pay such Imposts on Wines to the content of the Treasurer	ibid	Acknowledged before two Magistrates and Clerk good in Law, <i>see Courts,</i>	34. 7
To pay no Impost for what Wines they sell by the Quarter-cask	ibid	To be given by inferiour Courts upon the resolution of the General Court in difficult cases	38. 11
To clear their Houses in Lecture times on penalty	83. 12	Any Sale, Alienation or Assignment of a Judgement void in Law, <i>see Judgem. p. 85.</i>	
Their Licenses to be renewed yearly, <i>ib. s. 15.</i>		Every Judgement given against any person, to be Recorded in a book, <i>see Records, 129. 1.</i>	
Permitting wanton and rude singing in their Houses, the penalty	84. 17	<i>Executions.</i>	
Entertaining persons forbidden by the Select men, the penalty	85. 19	Not to be granted till 12 hours after Judgement, but by special Order, <i>see Appeal, 3 1</i>	
May not arrest, attach &c. any Saylor for Debt in case, <i>see Saylor's Drunkennesß.</i>	p. 134	Respited in case, <i>see Attachments</i>	7. 2
Indians found Drunk, refusing to confess where they had their drink, to be Imprisoned, <i>see Indians</i>	11. 77	Every sale of Executions void in Law, <i>see Judgements</i>	p. 85
Indians accusation of any person selling him drink, shall be valid against the person, except he shall purge himself by Oath, <i>ibid</i>		A person dying before Execution upon Judgement is taken out, or before satisfaction received, may be reviewed by Executors or Administrators, <i>see Judgements p. 86</i>	
Every Indian Drunk to pay 10. s. or be whipt	ibid	To be levied by Marshals, <i>see Marsh. 102. 2.</i>	
Every other person Drunk, to pay the penalty <i>see Inkeepers</i>	80. 4	In civil Actions void if not served within a Month after Judgement, except the Court respit, <i>see sureties</i>	p 144
For excessive drinking, the penalty, <i>ibid</i>		<i>Jurors, Grand-jurors to Present</i>	
<i>Tiplers</i>		Excess in Apparel, <i>see Apparel</i>	p. 5
Tipling above half an hour, or at unseasonable times, or after 9 of the clock, the penalty	ib	Taylor in case. <i>see Additions to the Law, ib.</i>	
No Merchant, Cooper, &c. that keep wines to suffer any to drink to excess, or be drunk, on penalty	81. 7	Neglect of Towns procuring an able Ministry, <i>see Ecclesiastical</i>	46. 19
No Retailer of strong waters, or private house keeper to permit any to tittle in their houses on penalty	82. 8.	The breach of the Law <i>sit. Indians</i>	75. 5
Retailers of strong waters, to pay 2. d. the quart	82. 11.	<i>Grand Jury, and Jury for Tryals.</i>	
None to Still or Retail strong waters without license on penalty	83: 16.	To be Summoned for County Courts out of their own County, <i>see Courts</i>	ib. s. 7
Strong llauors in Cafes? not prohibited to be sold	ibid	No Jurors to be summoned from Salem to Ipswich, nor <i>contra</i>	ibid
Every person confessing his offence against this Law, his testimony good against others	89. 13	To attend Courts adjournments at the time appointed. <i>see Courts Adjournment, p 38</i>	
Wanton and rude singing in publick houses		<i>Jurors:</i>	
		At Court of Assistants, to be chosen out of Suffolk and Middlesex; <i>see Jurors</i>	86. 1.
		Jurors sworn to judge of matter, of fact and costs, the Bench of matter of equity	ibid
		A special Jury to be summoned for life or banishment, <i>ibid</i>	Grand

The Table.

- Grandjuries to be summoned yearly to attend the several Courts, with their duty, *s. 2*
- Every Grandjuror to be allowed *s. 1. per diem* *ibid*
- Grand and Pettyjuries may give in a special Verdict in case, the determination whereof belongs to the Court *87. 3.*
- All Jurors in matter of Fact, not finding the main issue, may present what they finde *ibid*
- Any Jury or Juror may in open Court advise with any person to resolve or direct them before Verdict *ibid. s. 5.*
- No Juror shall serve above one ordinary Court in a year, except Grand jurors, & in cases of life and death *ibid*
- The Foreman of every Jury to deliver up all writings committed to them, to the Clerk, *see Records* *129. 1.*
- A Jury to be summoned in case of untimely death, what to do, and to whom to make return, *see untimely death* *p. 35*

L

Lands, free Lands.

- All Lands granted, or to be granted to English Plantations or Persons by General Court, to be accounted the right of such English, *see Indians* *74. 1.*
- Any person buying Land of any Indian without licence of General Court forfeited, *s. 2*
- Grants of Lands from Indians on terms of years without licence forfeitable as if bought *ibid.*
- All our Lands and Heretages free from all licenses upon Alienations, &c. *see Lands* *p. 88.*
- Any persons may purchase Lands of Indians where Mines are discovered, *see Mines* *116. 1.*

Leather.

- Raw Hides not to be transported on forfeiture, *see Hides*, *63. 1.*
- Brought from beyond Seas transportable, *ib.*
- To be preserved from corrupting on penalty *ibid. s. 2.*
- No Butcher, Currier or Shoemaker to exercise Tanning on penalty, *see Leather*, *88. 1.*
- No Tanner to be a Butcher, &c. *ibid*
- Gashing Hides in taking off, penalty *ibid*
- Any Tanner putting to sale Leather insufficiently Tanned, &c. forfeited *89. 2.*

- Tan Fats set in Tan hills, &c. the penalty, *s. 6*
- Curriers duty, with the penalty of neglect, *ibid. s. 3.*

Searchers of Leather.

- To be sworn, their duty and power, *ibid. s. 4*
- Neglect of their duty the penalty, *ibid*
- How to dispose of insufficient Leather seized by them *oo. 5*

Liberties Common.

- Every person may freely Fish or Fowl in any Pond, &c. unless otherwise appointed, &c. *90. 2.*
- No man shall come on anothers propriety without his leave, and as in said Law expressed *ibid*

Lying.

- Any Person of the age of 14 years making a lye, their punishment, stock, fine or whipping to the fourth offence *p. 91.*
- Persons under age, for lying to be punished by their Parents *ibid*

M

Magistrates.

- Governour, Deputy Governour and five Magistrates may order and direct for removing obstructions referring to the Execution of Imposts, *see Imposts*, *72. 12*
- Three Magistrates may keep a County Court, *see Courts* *73. 7.*
- May order satisfaction for damage done by Indians to the Cattle of English, *see Indians* *76. 7.*
- With Select men, may place out unruly Children, *see Children* *26. 1.*
- May dispose of Orphans to service, *28. 6.*
- May punish Inkeepers for neglect of giving account of draught of Beer, *see Imposts* *70. 4.*
- Two Magistrates may punish Indian Traders allowed, for not giving a true account and payment to the Treasurer, *see Indians* *78. 12.*
- Consenting to an Assignment of a servant is good, *see Masters* *105. 7*
- May out of Court dispose of, and settle poor persons, *see Poor* *123. 1.*
- May grant Licence to export Powder, *see Powder* *126. 2.*
- May appoint Surveyors of Ships to be built, *see Ships* *138. 1.*

The Table.

May take Order about Strangers, <i>see Strangers</i>	<i>see Strangers</i>	One or two to be present at opening Votes for Nomination of Magistrates, <i>see Elections</i>	
With the Clerk of Court may take the acknowledgement of a Judgement, <i>See Courts</i>	p. 134 36. 7.	47. 3.	
One Magistrate,		May commit any person suspected for firing a house, &c. <i>see Firing</i>	51. 2.
May punish breach of the peace. <i>see Breach of the Peace</i>	11. 1.	May punish such as kill Mackerel before July <i>see Fish</i>	54. 5.
May suppress a forceable detaining possession after Execution	<i>ibid.</i> s. 2	May punish for Galloping in Boston streets, <i>see Galloping</i>	p. 57.
May give Possession	<i>ibid.</i>	May punish Gaming or Dancing in Ordinaries, <i>see Gaming</i>	57. 1.
May imprison the detainer and abettors by Warrant to the Marshal	<i>ibid.</i>	May dispose of Cards and Dice brought in voluntarily	<i>ibid.</i> s. 2
May give Oath to Clerk of Markets, <i>see Bakers</i>	8. 1.	May commit to Prison any who wittingly and willingly deny the Scripture, <i>see Heresie</i>	59. 2.
May presse Workmen to repair defective Bridges, <i>see Bridges</i>	12. 3.	May by Warrant exact fines on Masters that bring in Quakers, and take security to carry them away	60. 4
May punish for Pilfring under 40 s. <i>See Burglary</i>	13. 2.	May appoint men to view High-wayes on complaint, <i>see High-wayes</i>	65. 3.
To return the Cases he issues to County Court	<i>ibid.</i>	May punish or binde over idle persons to the Court, <i>see Idle Persons</i>	66. 1.
May punish Corporally in case	<i>ibid.</i>	May commit or bind over to Court of Assistants any suspected to be a Jesuite, <i>see Jesuites</i>	p. 67.
May give Warrant to search for stolen Goods	<i>ibid.</i>	May fine any refusing to assist the Customs Master, <i>see Impost</i>	68. 2
May proceed with any suspected according to Law	p. 14	With the overseers of a work may Impresse workmen in the next Towns, and set wages, <i>see Impresses</i>	73. 1.
May give Gagers of Cask and Packers an Oath, <i>see Cask</i>	16. 1.	May fine or punish a Drunken Indian, <i>see Indians</i>	78. 11
May punish any for taking Cattle to use without leave, when and how, <i>see Cattle</i>	19. 5.	May punish any that brew net Beer according to Law, <i>see Inkeepers</i>	80. 2.
May end small Causes under 40 s. <i>See Causes</i>	20. 1.	May punish Retailers of Strong waters, or private House keepers for permitting Tipling	p. 81, 82, 87, 88.
May sit in a Court with the Commissioners of Boston	21. 3.	May determine all offences against that Law	83. 13
May punish unruly Children, <i>see Children</i>	27. 2.	May punish wanton and rude singing in publick Houses	84. 17
May punish any person entertaining Children, &c.	<i>ibid.</i> s. 3.	May commit any that keep a House of Entertainment without license in case, s. 18	
May dispose of Offenders brought before him, <i>see Constable</i>	31. 2.	May punish any found in publick Houses prohibited by Select men	85. 19
May punish any that refuse to aid a Constable	<i>ibid.</i> s. 5.	May Summon a person to answer a Crime, <i>see Jurors</i>	87. 6.
May commit to Prison any that refuse to make acknowledgement of a Deed, &c. <i>see Conveyance</i>	32. 4.	May give an Oath to proovets of Leather, <i>see Leather</i>	89. 3
May adjourn a Court in case, <i>see Courts adjournments</i>	p. 38.	May give Oath to Searchers and Sealers of Leather	<i>ibid.</i> s. 4
May Summon a Jury on untimely death, <i>see Untimely death</i>	p. 39.	May punish Lying, <i>see Lying</i>	p. 1
May deal with open opposers of the Word, &c. <i>see Ecclesiastical</i>	42. 15.	May	
May punish persons for absenting from publick Worship on the Sabbath	45. 16.		

The Table.

May punish Seamen deserting their Voyage
see Maritime 99. 22.
 May allow of a Motion to Marriage in case,
see Marriage 101. 3
 May commit to Prison any attempting
 Marriage in case *ibid*
 May joyn persons in Marriage, 102. 5
 May not joyn or suffer any to joyn them-
 selves in marriage before publication *ibid*
 May prefs men & boates to pursue Runna-
 waies &c. *See Masters* 104. 3
 May punish Masters in case *see Malt* 106. 1
 May commit a disorderly Souldier to
 prison in case *see Military* p. 103.
 May by Warrant seize the estate of any
 transporting our Coyn, *see Money*, 112. 2.
 May give the Oath of Fidelity to Inhabi-
 tants and Strangers, *see Oaths*, 119. 2
 May give Oath to cullers of Staves, *see Pipe-*
staves, p. 122.
 May commit Runawaies to the house of
 Correction, *see Prison*. 127. 3.
 May give an Oath to a prisoner not worth
 five pounds, p. 128. 5
 To keep a Record of all Judgements gran-
 ted by him against any, *see Records*, 129. 1
 May fine any newly married not returning
 their names to Clerk of Writts, 130. 2
 May fine any defacing Records *ibid*
 May punish Sabbath-breakers, *see Sabbath*,
 132. 1
 Or any drinking in Ordinaries after Sun set
ibid. s. 2.
 May punish doing servile work on the Sab-
 bath *ibid*. s. 4
 Governour or Deputy Governour may ap-
 point Surveyors of Ships to be built, *see*
Ships 138. 1
 Governour or Deputy Governour may take
 order about Strangers, *see Strangers*, p. 143
 May allow a Stranger to reside in a Town, *ib*
 May punish Curfers and Swearers, *see Swea-*
ring p. 144, 145
 May punish and dispose of Vagabonds, *See*
Vagabonds p. 153
 May fine any neglecting Watches, *see Wat-*
ches 154. 1
 May take the Testimony of a person of 14.
 years of age, *see Witnesses* 158. 2

Man-slaughter.

Any person that shall kill another in the de-
 fence of himself or another, &c. shall be
 blameless p. 92-

Maritime Laws.

The major part of Owners of Vessels agree
 ing in setting them forth, the minor part
 Owners concluded therein 93. 1
 Any Owner refusing, or by absence cannot
 fit forth his part, the Master may take up
 on Bortomary *ibid*
 An Owner of Ship or Vessel not assenting to
 let such Vessel, must manifest it by pro-
 test, &c. *ibid*. s. 2
 When Protests in such cases valid *ibid*
 No Voyage to be hindred by such protest, *ib*.
 How the Dissenters part is to be secured, *ib*
 Owners of Vessels living in several Countries
 how far the Master may act on their parts
 94. 3.
 Masters or Mates non-attendance aboard;
 the penalty *ibid*. s. 4
 Masters agreement with their men for wages
 to be entred in a Book, with their mens
 hands thereto, on penalty *ibid*. s. 5
 Masters to make due provision for Seamen
 and Passengers, on penalty 95. 6.
 No Master to ship any Seaman shipt by ano-
 ther before, on penalty *ibid*. s. 7
 No Seaman to ship himself with any man
 till cleared by the first employer, on pe-
 nalty *ibid*
 No Master to put into any Harbour in his
 voyage, except necessitated &c. on penalty,
 s. 8.
 Masters may alter their voyage in case, s. 9.
 Masters to pay mariners their wages, on pe-
 nalty, 96. 10
 Damage on goods aboard, how to be made
 good in case, s. 11.
 No Master of a vessell to more near him that
 was first mored, on penalty, *ibid*. s. 12
 Any Master under sail running aboard a Ship
 at anchor, to pay all damage, 97. 13.
 How goods thrown over-board to be made
 good, s. 14
 A Vessell giving over her voyage through
 insufficiency, the charge of Lading & un-
 lading, by whom to be paid, *ibid* s. 15.
 Goods damaged at Sea by negligence, to be
 made good by master & mariners, *ib*. s. 16
 Damage done by one Ship on another, by
 breaking loose, how to be made good 98.
 17

Marriners absenting themselves from their
 Ship, the penalty. *ibid*. s. 18.

The Table.

Marriners causing disturbance in a Ship, to the prejudice of the voyage, how punished, <i>ibid.</i>	To levy fines imposed by Court, <i>see fines</i> , p. 51
s. 19	may Attach and Imprison persons till fines are paid <i>ibid</i>
Any person undertaking to be a Pilot &c. and found insufficient, his penalty, <i>ibid.</i>	By Warrant from a Magistrate to apprehend deniers of Scripture, <i>see Heretic</i> ,
s. 20.	s. 2.
Marriners to keep watch at Sea, and in Harbour, on penalty,	To Collect fines &c. by Warrant from the Treasurer, on penalty, <i>see Marshalls</i>
s. 21.	s. 1.
Marriners deserting their Voyage punishable in case	<i>Treasurer</i> ,
<i>ibid.</i>	s. 2.
Marriners having received their Wages and deserting the Ship to be pursued as Runaways	To Levy Executions on penalty <i>ibid.</i>
<i>ibid.</i>	s. 2.
Marriners entertaining persons on board without leave, the penalty	To make Returns of Executions, to Clerks in two months, on penalty
<i>ibid.</i>	<i>ibid.</i>
Outrage by Marriners on the Master how punished	To serve all Attachments directed to them and make return to the Clerks of Courts
100. 25	103. 3.
Marriners in distress at Sea, not to leave the Ship if no peril of life	No Marshal to be a Clerk or Recorder of a Court
<i>ibid.</i>	<i>ibid</i>
Marriners in case of Shipwrack to endeavour the saving what may be, and to have recompence, if neglected, the penalty	Marshalls fees.
<i>ibid.</i>	<i>ibid.</i>
s. 27	s. 4
<i>Marriage.</i>	Additional fees.
No man to strike his wife or woman her husband, on penalty	<i>ibid.</i>
101. 1	Marshall Generals fees
No person to be joyned in marriage before Publication	<i>ibid.</i>
<i>ibid.</i>	s. 5
s. 2	Marshalls and their Deputies may require aid in case, as Constables may do,
The manner of Publication	<i>ibid.</i>
<i>ibid</i>	s. 6
Any person making motion to marriage without consent of Parents, &c. the penalty	Any refusing to aid them, the penalty,
<i>ibid.</i>	<i>ibid</i>
s. 3	Marshalls or other Officers power in levying Fines, Amercements and Executions
No married person whose Husband or Wife is in other Countries, may reside here in Case, on penalty	<i>ibid.</i>
<i>ibid.</i>	s. 7.
s. 4.	Where they are to make demand
None may joyn persons in marriage but a Magistrate or other persons appointed	<i>ibid</i>
102. 5.	The Officers charges to be leavied with the Executions
None may joyn themselves in marriage but before such & that after Publication, <i>ib.</i>	104. 8
No Man may marry his first wives natural sister	What Goods may not be taken by Execution
<i>ibid.</i>	<i>ibid</i>
s. 6.	The Marshal may take the person refusing to discover Goods or Lands
Every new married person to give in his name to the Clerk of Writts, on penalty, <i>see Records</i>	<i>ibid</i>
130. 2	Marshal or other Officer doing wrong to any to make satisfaction
<i>Marshalls their Office and Power.</i>	<i>ibid.</i>
To obey the Warrant of one Magistrate, <i>see Breach of peace</i>	s. 9
11. 2	To enquire after Wheat landed from foreign parts and put to sale, <i>see Malt</i> ,
May require aid in case	106. 2
<i>ibid</i>	Marshal General to receive of the Secretary, and send forth Orders of General Court, <i>see Records</i>
To serve Warrants or Attachments for cases tryable before one Magistrate, <i>see Causes</i> ,	129. 5
20. 1	To send forth Treasurers warrants, &c. <i>ibid</i>
To assist and obey the Commissioners of Boston	<i>Masters, Servants, Labourers.</i>
21. 3.	No Servant shall Give or sell any commodity without License
	104. 1.
	Time for Workmen prescribed
	<i>ibid.</i>
	s. 2
	Runaway Servants and other suspicious persons how, and by whom to be pursued,
	<i>ibid.</i>
	s. 3.
	Workmens Wages to be set by the Freemen in Towns
	<i>ibid.</i>
	s. 4.
	How Workmens wages to be paid,
	105. 5.
	Servants flying from cruelty may be harboured

The Table.

boured in case,	<i>ibid</i> s. 6	Every Company to have a Clerk, his duty,	<i>ibid</i> . s. 10
No Servant to be put off for above one year without consent of 2 Magistrates,	<i>ibid</i> . s. 7	To be upon Oath	<i>ibid</i>
Servants maimed by their masters, to have recompence;	<i>ibid</i> . s. 8	Committee of Militia in every Town stated their power and duty in case of Alarms,	s. 11
Faithfull Servants to be rewarded,	<i>ibid</i> . s. 9	No Major to lead his Regiment out of the County, except, &c.	<i>ibid</i>
Unfaithfull Servants how punished,	<i>ibid</i> s. 10	Seniority of Captain to be according to the Seniority in Towns	<i>ibid</i>
<i>See more Burglary,</i>	13. 2.	Boston Captain precedence by priority of Commission	<i>ibid</i>
<i>Malt.</i>		Warrant for Impresssing Souldiers, to be directed to the Committee of militia	<i>ib</i>
Penalty for malsters, if malt be not well made	106. 1.	Committee of militia may suppress raising Souldiers by any but this Government,	<i>ib</i>
No wheat, barley &c. to be brought in from forreign parts, on penalty,	<i>ibid</i> .	Committee of militia with Select men to mount Artillery, and repair Forts, &c.	<i>ib</i> .
<i>Mills, Millers.</i>		Commission Officers of Horse to be of the militia	<i>ibid</i>
No Miller shall have above one sixteenth part for Toll of what he grinds	p. 106	military Watches how to be set	<i>ib</i> . s. 12
Every Miller to have Weights and Scales,	<i>ibid</i>	Firing a Gun after the Watch set, the penalty	<i>ibid</i>
<i>Military.</i>		The duty of a Sentinel and Round	<i>ib</i> .
The Serjeant Major by Warrant may require the chief Officers of the Regiment to meet	107. 1	What shall be accounted an Alarm	<i>ib</i> .
Such meeting may impose fines in case,	<i>ibid</i>	The Souldiers duty on an Alarm, on penalty	<i>ibid</i>
may order Clerks to distrain	<i>ibid</i>	Smiths and other Workmen to repair Arms on penalty	112. 13.
64 Souldiers besides Officers shall be accounted a Foot Company	108. 4-	Surveyor General yearly to give account to the Council, of the stock of Powder, &c	<i>ibid</i> . s. 14
The Major of the Regiment to order smaller Towns	<i>ibid</i>	Every Town to have a Watch house, on penalty	<i>ibid</i> . s. 15
Every Capt. Liev. and Enf. to have Commission from the General Court	<i>ibid</i>	Every Town to have a stock of Powder, &c on penalty	<i>ibid</i>
Every Captain shall appoint what Arms every Souldier shall serve with	<i>ib</i> . s. 5	Troops to be under the command of Majors of Regiments	113. 16
Two thirds of every Company to be Muskets; Pikes, to have Corslets and Headpieces, <i>ibid</i> . Or Buff or Quilted Coats	115. 20	Troopers priviledges confirmed, what excepted	<i>ibid</i>
Every Captain to exercise his Company six dayes in a year	<i>ibid</i>	How to be Armed	<i>ibid</i>
To give notice thereof three or four dayes before	<i>ibid</i>	To exercise 6 dayes yearly on penalty,	<i>ibid</i>
Dayes expended in marching to and fro at Regimental Exercise allowed part of the six dayes	<i>ibid</i>	Every Troop to have a Clerk, his fees,	<i>ibid</i>
The three chief Officers may punish disorderly Souldiers, with the manner how,	<i>ib</i> s. 6.	Officers of Horse may remit or abate fines,	<i>ibid</i>
Souldiers how to be Armed, on penalty,	s. 7	Troopers duty in case of Alarm, on penalty	<i>ibid</i>
Who are to be provided with Arms	<i>ibid</i>	No Officer of a Foot Company to be a Trooper,	<i>ibid</i> .
Any Souldier wanting Arms, how to be supplied	109. 8.	No Troop to be drawn out of the County but by order of Major General, except,	<i>ibid</i>
What persons are exempt from Training,	<i>ibid</i> . s. 9	No Trooper may put off or change his Horse without leave, on penalty	<i>ibid</i>

The Table.

Troopers fines for Non-appearance	<i>ibid</i>		
No listed Trooper may disband himself without leave on penalty	<i>ibid</i>		
A Trooper dismiss to be returned by Certificate to the Commander of Foot in every Town	<i>ibid</i>		
Inferiour Officers Commissions to stand good, on the death of Superiour Officers.	<i>ibid</i>		
	114. 17		
Souldiers being dismiss from Exercise to repair to their quarters	<i>ibid</i>		
Disorders of Souldiers to be punished by the chief Officers	<i>ibid</i>		
Troopers listed after 63 not to have the allowance of 5.s.	<i>ibid</i>		
Who may be listed as Troopers	<i>ibid</i>		
Who are lyable to Military Watches, s. 19			
Towns not under particular Majors to be ordered by the Major General	115. 19.		
Commission Officers to be chosen by the General Court, except, &c.	116. 21		
Inferiour Officers to be chosen by Commission Officers, or Major, where no Commission Officers are	<i>ibid</i>		
Regimental meetings ordered	<i>ib. s. 22</i>		
The Majors allowance at such meetings, what, and by whom to be paid	<i>ibid</i>		
Commissions for military Officers to have the Publick Seal, <i>see Seals Publick</i> , p. 135			
<i>Mines.</i>			
Discoverers of Mines to enjoy the profit thereof for 21 years, provided, &c.	116. 1.		
Mines found by any man in his own propriety, shall remain to the Owner, except, &c.	<i>ibid</i>		
<i>Money</i>			
The Mint house to be at Boston	116. 1.		
All Officers belonging to it, to be sworn, <i>ib.</i>			
Every person may bring Bullion or Plate to be minted	<i>ib</i>		
All money minted, to be of Sterl. Alloy, <i>ibid</i>			
The Stamp and Inscription of money, <i>ib.</i>			
The value of money Coynd	<i>ibid</i>		
Money Coynd here to pass currant	<i>ib</i>		
Allowance for Coyning, and weight of Coyn	<i>ibid</i>		
No person to carry out the Coyn of this Country, on penalty	117. 2.		
Searchers for money exporting to be in all needful places, their power	<i>ibid</i>		
Such Searchers to take an Oath	<i>ib.</i>		
may require Assistance	<i>ibid</i>		
			<i>Monopolies.</i>
			No Monopely allowed but of new Inventions that may be profitable
			p. 119
			J
			<i>Oaths, Subscriptions.</i>
			N O Oath to be imposed, or subscription required, but what the General Court hath appointed
			119. 1.
			No Oath binds any man or Officer, but while an Inhabitant
			<i>ibid</i>
			All Inhabitants take the Oath of Fidelity, s. 2
			All Strangers to take the Oath prescribed,
			p. 120
			<i>Oppression.</i>
			What, and how punished
			p. 120.
			P
			<i>Payments.</i>
			A LL Payments to be in Specie contracted for
			121. 2.
			<i>Petitions.</i>
			Every Cause heard by General Court, to pay the charges of the Court, besides Entry
			p. 121
			When Petitions are to be received, when not
			<i>ibid</i>
			Who may present Petitions without payment
			<i>ibid</i>
			Account of the number of Petitions to be signified to the Court, as directed
			<i>ibid</i>
			<i>Pipestaves, Viewers of Staves.</i>
			Coopers staves to be culled, <i>see Coopers</i> , 17. 3
			Two Viewers of Staves to be chosen in every Town where they are shipt off, <i>See Pipestaves</i>
			p. 122
			The Viewers to be upon Oath, their power,
			<i>ibid</i>
			Affize of Staves
			<i>ibid</i>
			To keep account of Staves approved, and for whom
			<i>ibid</i>
			Pipestaves shipt not approved forfeitable, is
			<i>ibid</i>
			Searchers fees for culling
			<i>ibid</i>
			Masters receiving Staves on board, not cull'd the penalty
			<i>ibid</i>
			Refuse Staves not prohibited transportation
			<i>ibid</i>
			<i>Poor Persons.</i>
			To be disposed of by Shire Courts or two Magistrates out of Court
			123 r.
			Any

The Table.

Any person not excepted against within 3 months, shall be reputed an Inhabitant in Towns where they are, <i>ibid.</i> s. 2	Harms done to any by Rescue, to be made good <i>ibid</i>
Any person excepted against, and not removing, nor complained against to the County Court by any Town, the penalty <i>ibid</i>	Owners of Cattle abettors in a Rescue, their penalty <i>ibid</i>
Where persons cannot be settled in any Town, the County Court may order their residence, the charges to be paid by County Treasurer <i>ibid</i>	<i>Powder.</i>
<i>Possession.</i>	All Powder, Lead, Shot, &c. imported, to be Entered with the Notary, on Penalty, 125 3.
Title to Inheritances by Possession, declared P. 124	The Notary to keep a true account or such Goods <i>ibid</i>
<i>Porters.</i>	Not to grant Certificate to any in case, on Penalty <i>ibid</i>
To be allowed by Select-men, and their Wages determined P. 124	The Captain of the Castle to signify this Law to Masters and Merchants <i>ib</i>
<i>Plaintiffs and Defendants.</i>	No Powder to be transported out of this Colony without license, on Penalty, 126. 2.
Plaintiff asking advice of any that are to judge in his case may not prosecute his Action, <i>see Counsel</i> p. 34	<i>Prescription.</i>
In such case shall pay costs to the Defendant and <i>see contra</i> <i>ib.</i>	What, P. 126
To attend Adjournments of Courts, <i>see Adjournments</i> p. 38	Preidents & Formes of Oaths &c. p. 102
Not prosecuting their Actions at Court of Assistants to pay costs to the Defendant, <i>see Jurors</i> 87. 4.	<i>Prisoners.</i>
Not appearing the first forenoon of the Court to be Non suited <i>ibid.</i> s. 6.	Who may be imprisoned, <i>see Arrests</i> , 6. 1.
May make a new Entry in case <i>ibid</i>	Maintenance declared <i>ibid</i>
Defendant appearing in any Court, having asked advice of any of the Judges, being proved to pay 10. s. to the Plaintiff, <i>see Counsel</i> P. 34.	Not to be kept in Prison in case <i>ibid</i>
To attend Courts Adjournments, <i>see Adjournments</i> P. 38.	Concealing Estate to be sold <i>ibid</i>
To have Costs of the Plaintiff not prosecuting his Appeal, <i>see Jurors</i> 87. 4.	Or under Bail for Crime, to be tryed at the next Court that hath cognizance thereof, <i>See Courts</i> , 38. 10.
To have costs of a Plaintiff upon a Non-suit <i>ibid.</i> s. 6.	To be conveyed to Prison at their own charge if able, <i>see Prisoners</i> 126. 1.
<i>Pound, Pound breach.</i>	No Person to be helpful to any to break Prison, on Penalty 127. 4
Every Town to have a sufficient Pound, 124 1.	Any Prisoner taking Oath he is not worth five Pounds, to be discharged 128. 5.
Any Pounding Swine or Cattle to give notice to owner or cause them to be cryed, <i>ibid</i>	<i>Prison Keepers.</i>
Any Swine or Cattle escaping out of Pound the Owner to pay all damage <i>ibid</i>	Discharged of Prisoners in case, <i>see Arrests</i> 6. 2.
Owners of Cattle to pay damage or Replevin <i>ibid</i>	More, <i>see Courts</i> 128. 5.
No one to Rescue Cattle going to Pound, on Penalty <i>ibid.</i> s. 2.	Danger 7. 3.
Pound breach, the Penalty <i>ibid</i>	Liberty to take Baile <i>ibid</i>
	To receive Persons Committed for Drunkenness by Magistrate, Commissioner, or Select men, <i>see Inkeepers</i> 81. 5
	Suffering any to escape the Penalty, <i>see Prison</i> 127 4.
	To Present a List of their Prisoners to the Courts to whom the Cognizance belongs, 128. 5.
	Costs for Prisoners maintenance to be determined by the Courts <i>ibid</i>
	<i>House of Correction.</i>
	To be erected in every County at their charge 127. 2.
	The Master to be appointed by Coun. Co. <i>ibid</i>
	F His

The Table.

His Fees	<i>ibid</i>	S
Delinquents committed, how to be punished,	<i>ibid</i>	<i>Sabbath.</i>
The Master not to discharge any committed but by Warrant	<i>ibid</i>	P ersons absenting from publick meetings on the Lords day, &c. the penalty, <i>see Ecclesiastical</i> 45. 16.
<i>Priviledges Civil.</i>		Prophaning of the Sabbath what, <i>see Sabbath</i> 132. 1.
No man to suffer any punishment, &c. but by vertue of some Law established, or the Word of God	P.	Youth Prophaning the Sabbath, how punished <i>ibid</i>
No man to be Imprisoned before the Law hath sentenced him in case, <i>see Imprisonment</i>	P. 74	Persons above 14 years of age, Prophaning the Sabbath, how Punished <i>ibid</i>
Any person may come to any publick meeting, and present any necessary motion, &c <i>see Liberties Common</i>	90. 1	By the Lords day is meant day-light <i>ibid</i>
Any person may remove out of the Jurisdiction, if no legal impediment	92. 3.	Drinking in Ordinaries after Sun set the penalty 135. 2.
<i>Protestation.</i>		Any Person not paying their fines, or giving security, to be corporally punished, 5: 3
How, and in what case to be made	p. 128.	Any doing servile work on the Lords day, the penalty, 134. 4.
<i>Punishment.</i>		What Travellers by Land or in Boats to be accounted Prophaners of the Sabbath, <i>ibid</i>
No man shall be sentenced twice for one offence	p. 129.	<i>Saylors.</i>
No man to be punished with above forty stripes at one time	<i>ibid</i>	No It keeper, &c. may Attach, Arrest, &c. any Saylor for debt in case p. 134.
No man to be punished with whipping in case	<i>ibid</i>	<i>Salt.</i>
No torture to be used before conviction, <i>ibid</i>		In every Maritime Town, a measurer of Salt aboard Ships to be chosen p. 134
		His allowance <i>ibid</i>
		Masters or Marriners non-observance of this Law, the Penalty <i>ibid</i>
		<i>Salt-Peeter.</i>
		In all Towns where the makers thereof desire, Select men are to make Orders for encreasing Peeter p. 135
		Penalty on any neglecting such Orders. <i>ibid</i>
		Select men neglecting to make and execute such Orders, the penalty <i>ibid</i>
		<i>Seal-Publick.</i>
		The Governour, or keeper of the Seal to affix the Seal to Military Commissions, &c. from this Court or Council without pay p. 135.
		<i>Schools.</i>
		Every Town consisting of 50 House-holders to have a School for Writing and Reading 136. 1.
		How such School master shall be paid, <i>ibid</i>
		Where a hundred House-holders are, must be a Grammar School. on penalty 5 2.
		No Herodox or scandalous School-master to be allowed <i>ibid.</i> 5. 3.
		Penalty
R		
<i>Records.</i>		
A LL Evidences in any case, to be given in Writing, and sent on file 129. 1.		
Every Parent, &c. to give the names of all born or dying to Clerk of Writts. 130. 2		
Any person may Record Testimonies, &c. 131. 3.		
Defacing of Records, the penalty <i>ibid</i>		
Any Person may view or search, Rols, Records, of Court, &c. <i>ibid</i>		
Rolls, Records, &c. that may be viewed, interpreted <i>ibid.</i> 5. 9.		
<i>Replevin.</i>		
Owners of Cattle impounded, may, Replevin them, <i>see Cattle</i> 18. 3		
To be granted by the Clerk of Writts, <i>see Clerk of Writts</i> 28. 1.		
What may be Replevined, when, and by whom, <i>see Replevin</i> P. 132		

The Table.

Penalty on Towns for want of a Grammar School encreas'd 137 4.

Secretary.

To sign Warrants for Execution of persons sentenced to death by Court of Assistants or General Court, *see* *Condemned* *ib.* s. 2

To give out Copies of the names of persons allowed by General Court to be Freemen *see* *Courts* 38. 12

To give notice of all fines to the Treasurer within 14 dayes, *see* *fines* *ibid*

To signe Warrants for levying Executions, *see* *Marshalls* 102. 2.

To receive in Petitions at the General Court and take pay for them, *see* *Petitions*, p. 121

To give account of the number received by him to the Magistrate, which shall be allowed as part of his Salary *ib*

To deliver to the Marshal General Copies of special Orders of General Court within ten dayes, *see* *Records* *ibid.* s. 5

To write out Military Commissions, &c. for the Seal, *see* *Señi Publick* p. 135

To keep account of dues by fines, &c. on penalty, *see* *Treasurer* 151. 4

To present to the Council, or Court of Assistants an account of all Bonds, &c. returned to England, *see* *Ships* 140. 5.

Selfe Murderer.

Self-murthers denyed buriall in common burying places, but &c. p. 137

Sheep.

Any person may keep sheep on commons whereto he belongs, 137 1

Five sheep to be allowed for one cow where commons are stinted, *ibid*

None to course with a dog, on penalty 138. 2

Any dog killing sheep to be hang'd by the owner, on penalty, *ibid*

All Wooll put to sale; how to be washed & ordered on penalty, *ibid.* s. 3

Ships.

Every Vessell above 30 Tuns to be built, shall be Surveyed by such as are appointed. 135. 1

The builder, or owners of such vessel to give notice on penalty, *ibid*

Surveyors power, *ibid*

Any Ship-carpenter not following the Surveyors advice, upon complaint how to be proceeded with, *ibid*

Officers appointed to propagate the Art of

Navigation,

139.

Rules for their proceeding therein, and fees stated, *ibid.*

No masters aboard their ships to drink heathis, or suffer others to drink them on penalty 140. 4.

No person to fire a Gun after Sun set, or on the Sabbath, on penalty, *ibid*

The Captain of the Castle to give notice of this Law, to all Ships passing the castle, *ib.*

Every ship trading in our Ports, not belonging mostly to this Country, to pay halfe a pound of powder *per Tun*, *ibid.* s. 5.

Officers, as receivers nominated *ibid.*

Their Power, *ibid.*

Such are accountable to the Gen. Court *ibid.*

No person shall Trade upon our Coasts in case, on penalty, 141. 6.

Spinning.

To be disposed of and regulated in the several families by the Select men. p. 141

Strayes

Every one taking up a Stray &c. the owner not known, to enform the Constab. within six days, *ibid.* s. 1.

Rules for the Constable in such case, *ibid.*

Penalty to finder or Constable on neglect, *ib.*

The finder to apprise & Record lost goods, on penalty, *ibid.*

Lost goods to be restored to Owners within one year after publication, on condition, *ib.*

Finders of Strayes to put wyths on beafts necks, on penalty, *ibid.*

When Cattle shall be accounted Straies, *ibid*

Penalty to any taking off a wyth, or taking away a beast, *ibid*

All Strayes where to be first Cryed, *ib.* s. 2.

Straies to be entred with the County Recorder, *ibid*

Strayes how to be disposed, in case, *ibid*

Strangers.

May sue Strangers in any Court, *see* *Courts* p. 38 s. 8.

Every Master or mate of a Ship to bring all Strangers immediately upon their arrival before the Gover. or other Magistrate, on

penalty, *see* *Strangers*, p. 143

The Capt. of the Castle to make known this Order to Vessells that pass by, *ibid.*

Strangers professing the true Religion, to be succoured *ibid.*

The Table.

All persons to enjoy equal Justice	<i>ibid.</i>	To restrain Indians from prophaning the Sabbath, <i>see Indian</i>	77. 10
No Stranger to have any Lot in any Town till allowed, nor to be entertained above 3 weeks, on penalty	<i>ibid.</i>	To chuse Sealers of Leather, <i>see Leather</i>	89. 4
No person to receive a stranger above three weeks, on penalty	<i>ibid.</i>	Nor to appropriate to any man any Pond that is above Ten acres, <i>see Liberties common,</i>	91. 2
<i>Sureties, and Goods Attached.</i>		Danger, if not excepting against persons at the County Court, <i>see Poor,</i>	123. 2
No Goods Attached to be free, till Execution upon Judgement be satisfied	p. 144	Where 50 Families are, to have one to teach to Write and Read, <i>see Schools,</i>	136. 1.
Sureties, except in Capital or Criminal Cases, not to be free till Execution be satisfied	<i>ibid.</i>	Where one hundred Families are, to have a Grammar School, on penalty	<i>ib.</i> 5. 2
<i>Swearing and Cursing.</i>		To make Orders against Swine, on penalty, <i>see Swine</i>	143. 3.
Rash and vain Swearing and Cursing, how punished	p. 145	May chuse Select men to order the Prudentials of their Town, <i>see Townships,</i>	148. 1.
<i>Swine.</i>		To dispose of single persons, and Inmates,	5. 3
Any person chosen to execute Orders about Swine, the penalty	145. 1.	May impose fines on any refusing to serve as Constables	<i>ibid.</i> 5. 5
All damage by Swine, to be paid according to the Orders of the Town where damage is done	<i>ibid.</i> 5. 2.	Who in them may have privilege of Commonage for Wood	149. 6
What sufficient Fences against Swine	<i>ibid.</i>	To pay 10. s. for every Wolf kill'd by English, <i>see Wolves</i>	160. 3.
Swine Impounded and not owned, how to be disposed of	146. 3.	<i>Select mens Duty and Power.</i>	
Towns or Select mens neglect to make Orders, the penalty	<i>ibid.</i>	To Assess persons for their Garb, <i>see Apparel</i>	5. 1.
		To appoint persons to view Town bounds, <i>see Bounds</i>	p. 10
T		To order Fences in Common fields in case, <i>see Corn-fields</i>	17. 2.
<i>Tile Earth.</i>		To make Orders to repair Fences general and particular under 100 Acres	19. 6.
W hen to be dig'd, on penalty, p. 146		And to impose fines	<i>ibid.</i>
<i>Tipters, & Tipteing.</i> q no		Nor to neglect making such Orders on penalty to the Town	<i>ibid.</i>
See Inkeepers, p. 81-84		To order repairs of Fences on the Owners neglect	<i>ibid.</i>
<i>Tobacco.</i>		To give Warrant to the Constable to levy double damages in case	<i>ibid.</i>
May not be taken within 20 Poles of any house, &c. on penalty	p. 146	To try Causes, and grant Executions in case <i>see Causes</i>	21. 2.
Telling of Cattle, <i>see Horses.</i>		To make Country Rates, <i>see Charges Publ.</i>	21. 3.
<i>Town-ships.</i>		To Assess Strangers any Money	25. 3.
To pay their proportion to building or repairing County Bridges, <i>see Bridges.</i> 12. 1.		To see to the Education of Youth, on penalty, <i>see Children</i>	26. 1
Penalty by defective Bridges or High-ways	<i>ibid.</i> 5. 2	To place out unruly Children	<i>ibid.</i>
Penalty of treble damage in case	<i>ibid.</i>	The major part may approve the marriage of Orphans	28. 6
To chuse yearly a Gager of Cask & Pack-er, <i>see Cask,</i>	16. 1.	To Assess for Ministers maintenance, <i>see Ecclesiastical</i>	48. 5.
Any chosen, paying 40s. the town must choose another,	<i>ibid.</i>	To receive of the County Treasurer fines imposed	
Neglect hereof the penalty,	<i>ibid.</i>		
To have a distinct Brand mark, <i>see Cattle,</i>	p. 18. s. 3		
to provide an house for the Ministry, <i>see Ecclesiastical,</i>	45. 17		
May impose a fine on any chosen to Office, and refusing to serve <i>see Freeman</i>	50. 2		

The Table

- imposed on Quakers, &c. and to improve them, *see Elections* 48. 5
 To lay out private High-ways, *see High-ways* 64. 2
 To give recompence to any damaged by such Ways laid out *ibid.* p. 65
 To approve such Stone-horses as go on Commons, *see Horses* 65. 2.
 To levy the penalty by Warrant for the Towns use *ib.* p. 66
 The penalty of Select-mens neglect *ibid*
 With the Collector of Customes to rate persons in case, *see Imposts* 71. 7
 Where no Magistrate or Commissioners are may punish Indians for Drunkenness, *see Indians* 77. 11
 To approve of persons to keep Ordinaries, &c. *see Inkeepers* 79. 1.
 Where no Magistrate or Commissioners are may commit a drunken person to Prison or punish according to Law, *see Inkeepers* 81. 5.
 To prohibit persons from publick houses, &c in case 85. 19.
 To receive a third part of all Leather and Shoes seized, *see Leather* 90. 5.
 To Assess the Town for mounting Artillery, &c. *see Military* 110. 11.
 To Assess for Towns stock of Powder, &c. 112. 15
 To crave the help of County Courts against persons obtruding the Town, *see Poor* p. 123.
 To provide for Poor settled by County Court *ibid*
 To allow Porters, and set their Wages, *see Porters* p. 124.
 To provide materials for work in the House of Correction, *see Prison* 127. 3
 May punish Prophaners of the Sabbath 132. 1.
 To make Orders to produce Salt-peeter, *see Salt peeter* p. 135.
 To impose fines on any neglecting their Orders *ibid*
 To chuse and allow an Officer an annual stipend to execute their Orders *ibid*
 To provide for School-masters maintenance *see Schools* 36. 1
 Not to admit or suffer a Hetrodox or Scandalous Schoolmaster *ibid.* s. 3.
 To appoint the place where self-murderers shall be buried, *see Self-murder* p. 137.
- To make Orders for clearing Commons for Sheep, *see Sheep* 137. 1.
 May impose fines for cutting Rams to flocks *ibid*
 To order spinning in their Towns, *see Spinning* p. 141
 To make Orders about Swine, *see Swine* p. 145
 to manage the Prudential affairs of the Town according to instructions in writing, *see Townships* 148. 2.
 To require Constables to levy fines on such as refuse to serve as Constables *ibid.* s. 5
 With two Magistrates may put Children forth to service 149. 8.
 May order and dispose Constables Watches, *see Watches* p. 154
 With the Constable to chuse a Sealer of Weights and Measures, *see Weights*, 155. 1
 To appoint Measurers of Corn, Wood or Board 156. 2.
 To cut off the Ears of Wolves they pay for to Indians for the Country, *see Wolves*, p. 160:
- Treasurers.*
- To issue forth Warrants for Assessment yearly, *see Charges Publick* 23. 3.
 For levying the same *ibid*
 To pay to the Constable Charges of bringing Rates *ibid*
 May distrein the goods of Constable or any other person in case 25. 4
 To pay 100. l. per Annum to the Colledge, *see Colledge* 30. 2.
 To pay charge of Hue and Cry in case, *see Constable.* 32. 7.
 To pay for Victuals and Vessells Impressed, *see Council,* p. 34
 To pay charge of Elders meetings, when employed by the Courts Order, *see Ecclesiastically,* p. 44. 13.
 To pay the Secretary for writings, *see Seal-Publick,* p. 136
 To keep Accounts of all transactions belonging to his Office, as Debts, Dues &c. *see Treasurers* 150. 1.
 To make no payments but by some Law or Order, *ibid.*
 His allowance, 151. 4.
 To give Account once a year to the General Court, *ibid.*
 To provide Weights & measures as Standards, *see Weights,* 155. 1.

The Table.

To Seal Town Standards, *ibid*
 To pay the charge of Witnesses in Criminals
see Witnesses, 159. 3
 To pay for every Wolfe killed 10 s. *see*
Wolves, p. 159
County Treasurer.
 To pay for Hue and Cry, in case, *see Con-*
stable, 32. 7.
 To pay to Select men in Towns all Fines of
 Delinquent Quakers, *see Elect.* 48. 5
 To give Warrant to the Marshal to Levy
 Fines, p. 51.
 To receive Fines for Select mens neglect of
 the Law *title Horses*, 67. 2
 To pay for Poor, in case, *see Poor*, p. 123.
 To be chosen Annually, time when, & man-
 ner how, *see Treasurers*, 150. 2.
 No Clerk of Court to be *Treasurer*, *ibid.*
 May give Warrant to Marshalls or Consta-
 bles to Levy Fines, 151. 4
 His Allowance, *ibid*
 To have the same Power in his place as the
 Country Treasurer, 151. 5
 To return to County Courts the names of
 Constables not clearing their Accompts,
ibid
 To pay twenty shillings for every Wolf kill'd
 by English, *see Wolves*, *ibid.* s. 3.
Tryalls.
 Any Person against whom Judgment hath
 past in Civil Actions, may have a new
 trial on Review, in case, 152. 1.
 Plantiffe & Defendant agreeing, may have
 their Case tryed by Bench, or Bench and
 Jury, except, *ibid.* s. 2.
 Every Delinquent hath liberty of a Jury,
ibid. s. 3.
 Challenge may be made against Jurors by
 Plaintiff or Defendant, if found just o-
 thers to be impanelled *ibid*
 What persons may have allowance in any
 case *ibid.* s. 4.

V

Vagabonds.

Being Apprehended how to be proceeded
 with p. 152.

Vexatious Suits.

How punished, *see Actions* & 5.

Votes.

When persons are capable of Voting, *see*
Ability, 1. 1.
 None to Vote in Elections but Freemen, on
 penalty, *see Elections* 47. 1.
 Every person called to Vote in any Court,
 &c. may act according to his own Judge-
 ment, *see Votes* p. 153
 Neuters to be taken in the Negative *ib.*
 Who may put matters to Vote the Presi-
 dent refusing *ibid*
 The Governour to have a casting Vote in
 Courts of Assistants or General Court, the
 President &c. in other Courts, *see*
Courts 35. 6

Usury.

No man to pay above 8. per Cent. forbear-
 ance for a Debt, Bills of Exchange excep-
 ted p. 153
 Usury Contrary to the Law of God not al-
 lowed *ibid*

W

Watching.

When Constables Watches shall begin
 and end 154.
 Who are lyable to Watches *ibid*
 Watches power and duty *ibid*
 Persons exempt from Watching 155. 2.

Weights and Measures.

Country Standards to be provided by the
 Treasurer 155. 1
 A Sealer of Weights and Measures to be in
 every Town *ibid*
 By whom to be chosen *ibid*
 to be sworn, his Office and power *ibid*
 Neglect of Select men, Constable or Sealer
 the penalty *ibid*
 No man compellable to receive Corn,
 Wood or Boards, but by a sworn measu-
 rer 156. 2.

Wharfage

Where it may be taken 158. 1
 The Rates allowed for Wharfage *ibid*
 Wharfage may be taken out of the Goods
 in case *ibid*
 Penalty of casting an Anchor &c. in Boston
 Cove 157. 2
 Penalty of throwing Dung, &c. into the said
 Cove *ib.* s. 3. *Wills.*

The Table.

Wills.
 VWho may make VVills, Alienations, &c.
see Ability. p. 1.
 Penalty of Executors not proving VVills in
 time, or entring on, or disposing Estates,
see VVills 157. 1.
 VWho may take Probate of VVills, and
 grant Administration 158. 2.

Witnesses.
 VWitnesses and parties concerned to attend
 Courts Adjournment, *see Adjournments,*
 p. 38.
 Testimony of Gamesters good against others
 in case, *see Gamesters* 58. 4.
 No man to be put to death without 2 or 3
 witnesses, *see VWitnesses* 158. 1
 the testimony of a person of 14 years of age
 may be taken out of Court in any Case
 Civil or Criminal *ib. s. 2.*
 in what case such testimony shall be good
ibid
 Such testimonies how to be disposed of by
 them that take them *ib.*
 VWitnesses in Capital cases to be present
 VWitnesses summoned to any Court, not
 bound to appear in case 159. 3.
 VWhat allowance witnesses shall have *ibid*
 VWitnesses in Criminal cases how paid,
ibid

Delinquents to pay all charges *ibid*

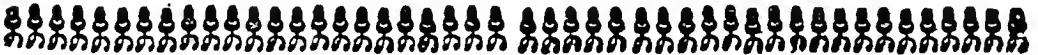
VVolves.
 Every person English or Indian killing a
 VWolf, to be paid 10.s. by the Treasurer
 159. 1
 Encouragement for Indians to kill wolves
 160. 2.
 Every person killing a wolf to have 20.s. of
 the County, and 10. s. the Town where it
 was killd *ib. s. 3.*

VWood.
 The quantity, how to be reckoned by the
 Boats p. 160
 A Cord of VWood what *ibid*

VWorkmen.
 Artificers in Harveft time compellable by
 the Constable to work p. 161.
 Penalty on neglect of Constable or VWork-
 men *ibid*

VVreck, of the Sea.
 No violence to be offered to the person or
 goods of such as suffer Shipwrack, p. 161
 Any VWhale cast up, to belong to the Coun-
 try *ibid*

VVritts.
 All VVritts and Proceses to go forth in His
 Majesties Name p. 161.



F I N I S.



A

SUPPLEMENT OF

LAWS AND ORDERS

PASSED BETWEEN

MAY 15th, 1672 and FEB. 16th, 1685-6.



Several Laws and Orders made at the
GENERAL COURT.

Holden at Boston the 15th. of May

1 6 7 2.

And Printed by their Order.

Edward Rawson Secr.

JURIES VERDICT.

THis Court being desirous to prevent all Dissatisfaction and Inconveniencies that may arise in the Tryal of Civil cases in Inferiour Courts, sometimes happening by reason of Disagreement between the Bench and Jury formerly allowed by Law;

Do Order and Enact; That henceforth in all County Courts, after that the Bench have used all reasonable endeavours for clearing the case to the Jury, by declaring the Law, and comparing the matter of Fact and Damage proved therewith, the Verdict of the Jury finally given, shall be accepted, and Judgement accordingly Entred: And in like manner shall the proceeding be in the Court of Assistants, unless upon apparent corruption or error in the Jury giving in their Verdict contrary to Law or Evidence, the party cast shall in open Court Attaint the Jury, and give sufficient Bond and Sureties within twelve hours after the Verdict is accepted, to prosecute the said Jury at the next Court of Assistants, in an Action of Attaint, in which Case Execution shall be respited, and the Clerk of that Court shall Summon a Jury of *twenty four* Able and Discreet men chosen as the Law Directs, to attend the service of the Court where the said Action of Attaint shall be tryed in the first place, and if on tryall of the case, there shall be found manifest Error or Mistake, the party Complayning shall be Repayed his full damage from the other party

Juries Verdict
to be Read and
not refused.

Plaintiff and De-
fendants liberty
to Attaint the
jury in case.

Juries attainted
how Tried.

to the Original Suit and if by the said Jury of twenty four there be found Bribery, Conspiracie, or other Corruption, in the Jury attainted, they shall be punished by *Fine* or *Imprisonment*, proportionable to the degree of their Offence; And if otherwise, the twenty four Jurors shall acquit the former Jurors accused, they shall be allowed double Costs from the party accusing, and their Verdict and the Judgement of the former Court shall stand good, and execution shall be Issued forth accordingly; And that Clause in the Law, allowing the Magistrates not to Concur with, or refuse the Verdict of the Jury is hereby Repealed.

SURETIES

FOr Explanation of, and Addition to the Law fit. Sureties and goods Attached, where it is provided that Sureties as well as Principalls shall be Responsible for one month to pay the Debt, unless he or they Surrender the Principal into the hands of the Marshall or Deputy, but no way provided in the said Law how the Sureties may be compelled thereunto;

Where Bonds
are forfeited the
Case to proceed.

It is therefore Ordered, and hereby Declared, That in such Case the Party and Sureties being called and the Bond declared forfeited upon non-appearance, the Case shall proceed to hearing, and Judgement at the same Court, as in case of the Defendants non-appearance upon Attachment of Goods: And if the Case be found for the Plaintiff, that Judgement be granted against him and his Sureties, and Execution be Issued out accordingly, and to be in force against the Sureties as well as the Principall, for one month after Judgement given, as the said Law Intends.

Execution to
Issue out against
Sureties

No Strong Liquor to Workmen.

WHEREAS there have been sundry and frequent complaints preferred to this Court, of Oppression by Excessive wages of Workmen and Labourers, which notwithstanding the endeavours of this Court to redress; such oppressions continue and further increase, by a dangerous Imposition of such persons on those they work and labour for, by demanding an allowance of Liquors or wine every day over and above their wages, without which it is found by too sad experience many refuse to work; Now forasmuch as such a practice of drinking liquors and wine, tends much to the rooting young persons in an evil practise, and by degrees to train them up to an habit of excess;

Law prohibiting
Wine or strong
Liquors to work
men.

It is therefore Ordered by this Court and by the Authority thereof, and be it hereby Enacted; That if any person or persons after the publication hereof, shall give wine or strong liquors to any workmen or boyes that work with them, except in cases of necessity, shall pay twenty shillings for every such Offence.

This

M I L I T A R Y.

THis Court taking into thir serious Consideration the weight and necessity that lyeth on them, to see that all Souldiers, (especially at such a season as this) should be fitted with Armes, and well skilful to use them; And because the welfare of each Military Troop and foot Company, both in their being provided with, and knowledge of their use of Armes, lyeth very much in the Clerk of each Companies carefull and faithfull observation and execution of his Office, in the seasonable and due levyng of such Fines as are by Law due for defects, the neglect whereof too sad experience sheweth, hath done very great hurt in many Companies, for preventing such Inconveniencies for the Future;

This Court doth Order, That what Fines shall be due according to Law from any Souldier for defect, in either Armes or Traynings, which the Clerk or Clerks of the said Troop or Company shall not leavie and gather into his hands, within one Moneth after the Training day on which the said defect is made, it shall be in the power of the Captain or chief Officer of that Troop or Foot Company to send the Marshal or Constable with an Execution, and leavie the said Fines upon the Estate of any such Clerk or Clerks so defective, unless the said Clerk can make it appear to the Captain, that he or they have been hindered either by sickness or the absence of the person delinquent being out of Town.

Souldiers fines to be gathered by the Clerk of Troops or Foot Companies, with in a month or to be leavied on themselves

And it is further Ordered; That the Clerk or Clerks of every Military Troop or Company shall once in six Months render a particular account to the Captain or chief Officer, of all such fines as are leavied by the said Clerk, that the same may be disposed of for the good of the Company according to Law.

THis Court considering our own state as to Fortification, how that our Forts and Artillery belonging to the Country, both in this Town of Boston, Charlestown, Salem and Marble head do need much to repair them, that they may be fit for service if God should call thereunto;

Do therefore Order; That each of the Towns above-mentioned shall be allowed what they are Rated to the Country-Rate for this next year, for, and towards the finishing and repairing the severall Forts there, and that each of their Rates be committed into the hands of the Committee of Militia in each of the aforesaid Towns. by them speedily to be improved for the use aforesaid.

Further allowance to Boston, Charlestown, Salem and Marble head for Fortification

VWhereas divers Souldiers, who by Law are commanded to attend Military Exercise upon Training dayes in the Towns where they live, not having any visible Estate wheron the Clerk of of the Company unto which they do belong can leavie the fine due by Law, when they are delinquent either in Arms or Traynings, do often neglect the duty in both keeping Arms and Traynings, and do thereupon carry it boldly and provokingly to the Clerk and other officers; For prevention whereof

It is Ordered by this Court and the Authority thereof; That it shall

souldiers neglect
of Arms & Train-
ing with their
Contempt of Of-
ficers how puni-
shed.

be in the power of the Commission Officers of each Company, or such of them as are present at the next Training day after such offence is committed, to punish such person offending as aforesaid, who hath not satisfied the Clerk according to Law, by any Military punishment according to the aggravation of the Crime, by either Riding the Wooden Horse, or by Bilboes, or lying Neck and Heels, or acknowledgement at the Head of the Company, or any punishment according to Military Discipline, at the Discretion of the Commission Officer or Officers present.

And in case any such Delinquent shall absent himself from Training two dayes together, that then it shall be in the power of the chief Officers, and they are hereby enjoyned by Warrant directed to the Constable of that Town, to convent such Offender before him, and to proceed with him as in this Order is provided, and all Constables are hereby Ordered to attend their duty herein:

Book-Debts.

W Hereas by the Law made May 1669 respecting Book-debts; It is Declared, that all Book-Debts shall be cleared within three years, as is therein expressed, after which time no Book-Debt shall be pleadable in any Court: Upon a general complaint, that the said Law will prove to the real detriment of very many of our Inhabitants, and the utter undoing of some if a greater number of years be not allowed to shut up Accounts;

Three years fur-
ther added rela-
ting to Book-
debts

It is therefore Ordered, and is hereby Declared; That there shall be three years more added for the advantage of Debtors and Creditors to issue their Accounts, that all grounds of complaint in this kinde may be removed.

B U R G L A R Y.

W Hereas in the Law tit. Burglary, it is expressed if any person shall commit Burglary by breaking open any Dwelling House;

Addition to the
Law tit. Bur-
glary

It is Ordered by this Court and the Authority thereof, as an Addition to that Law; That if any person shall break up any Warehoue, Shop, Mill, Malt house, Barn or Out house, or any Vessel on any Shear, or in any Cove, Creek, or upon the Water, such person so offending, shall be punished as the Law provides in case of breaking up Dwelling-houses.

Leather.

H I D E S.

W Hereas the Law tit. Leather in the latter end of the first Sect. doth restrain all persons except Tanners to Bargain for, or buy any Hides of Bull, Steer, Oxe, Cow, &c. being inconvenient in regard they are many times given in Barter for Skoos, &c.

Hides to be purchased by any

The said Clause in that Law, by the Authority of this Court is hereby Repealed.

VV Hereas the Laws already made to prevent the Transportation of the Hides of the growth of this Colony, do not reach the End, for want of a full and due Execution;

This Court doth therefore Authorize and appoint the Freemen of every Seaport Town within this Jurisdiction, to Chose a meet and sufficient person from amongst themselves yearly, to whom all persons shall repair who intend the transporting of any Raw or Ruffe Hides, and shall make proof whence such Hides so to be transported came, and that they are not of the growth of, nor killed in this Colony, and shall take a note from the person so Authorized of the number of Hides that he intends to transport, paying one penny to the abovesaid person for every such Hide.

Hides of the Countries growth not to be transported out of the Jurisdiction on penalty &c.

And it is hereby Ordered, That no person shall ship or transport any Hides whatsoever out of this Jurisdiction, without license from the person so Authorized, upon penalty of loosing of such Hides so shipped: nor shall any Master, Purser or any other person belonging to any Ship or Vessel within this Colony, receive on Board any Raw or Ruffe Hides without a Note or Ticket from the person so appointed first appearing, upon the penalty of paying ten shillings for every Hide so shipped: And such person Authorized as abovesaid, shall have power by himself or whom he shall appoint, to make search in any Ship or Cask, wherein they suspect any Hides to be Laden contrary to this Order, and shall make seizure thereof, and the penalties and forfeitures above-mentioned shall be the one third to the seizer, one third to the Country, and one third to the Town from whence such Hides are shipped.

And it is further Ordered, that the persons chosen as abovesaid, shall be sworn to a faithful discharge of their duty herein.

I N D I A N S P O R K.

W Hereas the Indians that border upon the English Towns within this Jurisdiction, do frequently sell Pork to the English, and there is ground to suspect that some of the Indians do steal and sell the English mens Swine, For prevention whereof;

This Court doth Order and Enact, That all English men do henceforth mark their Swine with some Ear-mark, or if they neglect the same, it

shall be reckoned as the loss of their property in them.

Order to prevent Indians stealing Englishmens Swine

And it is further Ordered; That no Indian within this Jurisdiction shall mark any Swine upon the Ears, and that all Indians who bring Pork unto the English to sell, are required to bring with them the Swines Ears whole, otherwise, or if the ears be marked, it is in the liberty of any person to seize upon such Pork tendred to sell, and the same to be forfeited, the one half to the Seizer, the other half to the poor of the place where it is seized, to be distributed by the Select-men to them:

And it is further Ordered; That this Law be forthwith Printed, Published and Declared to all the Indians within this Jurisdiction in the Indian Language, that they may attend the same; And this Law to take place and commence eight Months asrer publication hereof.

S C O L D E S.

V V *Whereas there is no express punishment (by any Law hitherto established) affixed to the evil practise of sundry persons by Exorbitancy of the Tongue, in Railing and Scolding;*

Punishment for Railing or Scolding

It is therefore Ordered; That all such persons convicted before any Court or Magistrate, that hath proper cognizance of the case, shall be Gagged, or set in a Ducking stool, and dipt over Head and Ears three times in some convenient place of fresh or salt water, as the Court or Magistrate shall Judge meet.

Resolution of a Question as to Freight

Whether S shipping Goods upon B to be delivered to R beyond the Sea, the said R paying freight, and the said B upon his arrival at the Port tendring the said Goods to R, and the said R refusing to meddle with the said Goods and to pay freight, whether the said B can recover his freight for the said Goods of the said S, the said Good being left in a safe hand by good advice by the said B, or whether the said B ought not to have satisfied himself for his freight out of the said Goods without molesting the said S? The Court resolves this Question, that S is not liable to pay freight unto B, but B to satisfy himself for the freight out of the Goods.

Where reviews are to be tried.

Whether all Reviews are to be Entred and Prosecuted in that Court where the Action was at first commenced? The Court resolves the Question on the Affirmative.

Whether upon an Action of Review, the Costs of former Courts where the Action hath been nved, shall be granted for whom Judgement is given? The Court Resolves this on the Negative.

Possession according to Law gives title, &c.

Whether the Law *tit. Possessions* intend the confirmation of Land to the Possessor, where the Grant of the said Land was to another person, and the Possessor nothing to show for the Alienation thereof but his Possession according to that Law. The Court resolves this on the Affirmative.



Several Laws and Orders made at the
GENERAL COURT.

the 8th. of October 1 6 7 2

AS ALSO

Several Laws and Orders made at the
GENERAL COURTS.

Holden at Boston the 7th of May and 15th. of
October, 1 6 7 3.

And printed by their Order.

Edward Rawson Secr.

At the Second Sessions of the General Court Held at Boston the 8th. of
October, 1672.



It is ordered and by the Authority of this Court Enacted; That all Strangers coming into this Country. shall, and may henceforth have Liberty to Sue one another in any Courts of this Colony, that have proper Cognizance of such Cases; and that any Inhabitant may be sued by any Strangers who are on Immediate Employ by Navigation, Marriner or Merchant, in any of our Courts, the said Strangers giving in Security to the Clerk of the Writts to respond all extraordinary Damages, the said Inhabitants shall sustain, by being sued out of the County to which he belongs; in Cafe the Stranger shall not obtain judgement against such Inhabitant so sued. and the Law Title, Special Courts is hereby repealed and made void. Any Law, Customs or Usage to the contrary notwithstanding

Strangers Liberty to Sue in County Courts.

One Magistrate
and one Associate
Power

It is Ordered by this Court and Authority thereof; That in all Counties, where there is but one Magistrate there, any one of the Associates for that County Court joining with the Magistrate, any act by them done, shall henceforth be accounted legally valid, and is hereby allowed to all intents and Purposes, as if done by two Magistrates; and in those Counties where there is no Magistrate, any one invested with Magistratical Power with two Associates, have like Power committed to them to act as any two Magistrates, as above.

Whereas by sad experience; It is too obvious to all our people and others, that the sin of Whoredome and Uncleanness grows among us, notwithstanding all the wholesome Laws made for the punishing and suppressing such kind Defiling Evils; And whereas there is of late, too just ground to suspect a greater Evil growing upon us, by the bold and audacious Presumption of some, to erect a Stews, Whore House, or Brothel House; for the nourishing such wickedness, the increase of which Evil, if not timely prevented, may tend to the debauching of multitudes of persons, and tend to the utter ruine of their Estates, Soul and Body.

Courts Testimony
against, and
Order to prevent
Bawdry

It is therefore Ordered by this Court, and the Authority thereof; That if any Person, Male, or Female, shall presume to set up or keep any such House, wherein such wicked lusts may be nourished, and Whoredome committed, every such Bawd, Whore, or vile Person, upon Conviction of such Offence or Offences; such Bawd, Whore, or vile Person, shall be severely whipt at the Cart-tayle, through the Streets, where such Offence, or Offences hath been committed, with *Thirty Stripes*, and thence to be committed to the House of Correction, and by the Master of the said House to be kept with hard fare, and hard labour, by dayly Task, and in defect of their duty to be severely whipt every night with *Ten Stripes*; and once at least in every Week, the said Bawd and his Complices in such vile and sinful Courses the Bawd to be their Leader, and the other two and two in hair Frocks and blew Caps by the Executioner to be fastned to a hand Cart, and forced along to draw all the filth laid up in the Cart, through the Streets, to the Sea side going to the Gallows in *Suffolk*, and in all other Counties where the Court of each Shire shall appoint, and so returned to the House of Correction, to be alike kept with hard Fare and Labour, according to the Custome of the House during the Courts pleasure, there to remaine.

*At a General Court for Elections, Held at
Boston, the 7th of May, 1673*

This Court taking into serious Consideration the great necessity of Upholding the People Commodities of this Country, for the Supply and Support of the Inhabitants thereof, and finding by experience the bringing in of *Mould* (which is a principal Commodity of this Country) and *Iron* in parts to be extremely prejudicial to the Inhabitants of this Colony.

It is therefore Ordered; That whosoever, whether Inhabitant or Stranger, that shall directly or indirectly from henceforth Import into this Jurisdiction, from any parts of Europe, any Malt; every such person shall pay unto the Treasurer of the County the Summe of *five pence* Per bushel, for Malt so landed, besides the Rate of *one penny per bushel* formerly Imposed, and the Collector shall be charged with gathering up of the said Impost, and to return the same to the Treasurer.

6d p bushel to
the Treasurer for
Malt Imported
from Europe

WHEREAS all Fishermen settled Inhabitants, are by Law exempted from ordinary traynings, which indulgence is by many persons misused when they are at home and not employed in their callings, to be Spectators or otherwise idling, gaming, or spending their time unprofitably, whereby such persons as attend their duty and spend their time in that service is discouraged; For the prevention whereof;

Fishermen when
at home liable to
Traying

It is Ordered by this Court and the Authority thereof; That all Fishermen being Inhabitants, when they are at home (and not employed necessarily, and so judged by the chief Officers) shall attend publick Traynings, or else be fined *five shillings*, as the Law directs for others absence. Any Law, Custome or Usage to the contrary notwithstanding.

THIS Court having long since made an Order to prevent damage done by Horses, title *Corn fields &c. Sect. 3.* But no penalty annexed therunto, as an Addition to the said Law;

This Court doth Order the penalty on non observance thereof, with respect to Horses, to be *five shillings* fine for every such offence to the Town where it is Committed, besides any damage accruing by every such Horse or Horse kind so unfettered or unhakled as in the said Law is provided. And further that none shall be permitted to keep a Horse or Horse kind in the woods or Commons, but such as are accepted free Commoners in any such Town, under the penalty of *twenty shillings* a Horse for every such offence, to be disposed of as the Select men shall see meet.

Penalty for Hor.
see going in the
Commons and
Damage done by
them

And further, as an explanation of the late Law respecting *stons* Horses not to go upon the Commons under the penalty of *twenty shillings* a month;

This Court doth Declare, that it is to be understood of *twenty shillings* for every such Horse found on the Commons, so often as he shall be found there.

FORASMUCH as sundry unskilful persons have of late years, taken upon them to boyle, pickle, and Sell Surgeon for Transportation, of which sundry Keggs, and other Caske have proved corrupt and wholly unfitteable to the disppointment and Damage of sundry Merchants and others, as also to the debasements of that Comodity and reproach of the Country which if anely O. rded, might be beneficial to the Inhabitants for Transportation, and otherwise.

It is therefore Ordered and Enacted by the Authority of this Court; And be it hereby Ordered and Enacted, that no person whatsoever, shall henceforth boyle, pickle, or pick up any Surgeon for Sale in this Jurisdiction, but such as shall be licensed therunto by the County Court, where such persons inhabit, on Penalty of forfeiture thereof, one half to the Informer, and the other half to the Country, And to the end, there may be no fraud or

abuse

or abuse in the said Comodity, every such licensed Person shall brand mark all Cask wherein it is packed, with the letters of his Name, and that there be Searchers appointed and Sworn to view all Sturgeon made here or Imported, before it be sold, or in kinde passed away; who shall set their mark on such as they finde sound and sufficient in all respects, both as to the quality of the Sturgeon, and Gage of the Cask, and that only such so marked, as above, shall be exported on penalty of forfeiture of the whole value thereof, for whose care and labour the Sturgeon boyler or Importer shall pay for the viewing and heading thereof after *Three Shillings Four Pence, p. Score*, for all Kegs and Firkins, from time to time, and if any shall counterfeit, the Sturgeon Boylers or Packers marke, they, or he, shall forfeit *Five Pounds* to the Country, for every such defect; And it is referred to the respective County Courts, to license able and fit Persons to boyle and gieble Sturgeon for Sale, as likewise to appoint Searchers to view and marke the same, as above said.

October 1st. 1 6 7 3.

A S *An Addition to the Law Title Freemen.* SECT. III.

Addition to the Law for Admission of Freemen

It is Ordered by this Court, and the Authority thereof; That henceforth, the Names of such as desire to be admitted to the Freedome of this Commonwealth, not being Members of Churches in full Communion, shall be entred with the Secretary from time to time at the Court of Election, and Read over before the whole Court, sometime that Sessions, and shall not be put to Vote in the Court till the Court of Election, next following

Addition to the Law of the Sabbath

A S *An Addition to the Law of the Sabbath.* SECT. II.

It is Ordered by this Court, and the Authority thereof; Besides the Penalty upon the Persons there offending the publick House keeper, where any such Person or Persons are found so transgressing, (as in the said Law is expressed) shall pay *five Shillings* to the Treasury of the County where the Offence is Committed.

Order for publishing the Laws

IT is Ordered by this Court and the Authority thereof; That all Laws and Orders of this Court, which are thought fit to be published at the end of every Sessions, shall be forthwith sent to the Press, and also read in the Market place at Boston; upon the fifth day, being a Lecture day within Ten dayes after the end of such Sessions, which being performed, is, and shall be accounted sufficient publication, and further that printed Copies shall be dispersed, at the discretion of the Treasurer, and care taken for the same, by the Secretary and Marshal General as the Law directs. fo. 231

IT is Ordered by this Court, and the Authority thereof; That where there be fundry Proprietors of Lands lying together, and are inclosed by a Fence, although not by Consent of Parties, or by any prudential act of Authority disposing the same into one Common Field, the Major part of such Propriety, may Order and Limit the proportion of Cattle that shall be put to feed thereon; or may otherwise be limited and proportioned by the Select men of the Town or Towns where such Lands do lye, according to the direction of the Law Tit. Cattle and Corn-fields.

SEC T. II.

Order directing their Resaution of Proprietes in common Pastures

THe Court observing the wicked and unrighteous practises of evil men to increase some Piraticall seizing of Ships, Ketches, &c. with their Goods, and others by rising up against their Commanders, Officers, and Imployers, seizing their Vessels and Goods at Sea, exposing their Persons to hazard, &c. For the prevention whereof, and that due witness may be born against such bold and notorious Transgressors

This Court doth Order, & be it hereby Ordered & Enacted; That what Person, or Persons soever, shall Piratically or Felioniously seize any Ship or other Vessel, whither in the Harbour, or on the Seas, or shall rise up in Rebellion against the Master, Officers, Merchant, or Owners of any such Ship, or other Sea Vessel and Goods, and dispoyle or dispossels them thereof, and excluding the right Owner, or those entrusted therewith; every such Offender, together with all their Complices, if found in this Jurisdiction, shall be apprehended, and Legally convicted thereof, shall be put to Death; Provided alwayes, that any such of the said Company, (who through fear or force have been deam'd to Comply in such wicked action); that shall upon their first Arrival in any of our Ports or Harbours, by the first Opportunity, repair to some Magistrate, or others in Authority and make discovery of such a practise; shall not be liable to the aforesaid Penalty of Death

Order to prevent Piracy, &c

IT is hereby Ordered and Declared; That it shall be lawfol for any Person by his lawful Attovrny Authorized under his Hand and Seale, and legally proved to be his Act and Deed, to Sue in any of our Courts, for any right or Interest that he may have to any Estate of Lands or Goods, or any part thereof, according to our Law; unless the Law upon the hearing thereof, shall finde just reason to demurre upon the validity of the Attournish p, in one respect, or other,

Order Impairing Attournis to suit

IT is Ordered by this Court, and the Authority thereof; That the power and Trust Committed to all Guardians, is as full to recover and take all Estate into their hands, as if the Childe or Children themselves, for whom they are Guardians, were at age, and to improve the estate for the

Guardians power in Case

Child or Childrens Advantages, till at Age; Generally to act as farre as Administrators may doe, except by will of the deceased, the Estate was Committed to an Executor, or care for their Education, untill such an Age, the Guardian giving Security to the Court for his faithful performance of his Trust.

Valuation of
Sheep to the
Country and
County Rates

T His Court taking into Consideration, that the price which Sheep are valued at in the Country Rate, is farre above what they are worth, and that no man might be discouraged from keeping that useful Creature so beneficial both for food, and Cloathing.

It is hereby Ordered and Declared; That all Sheep rateable in the Country Rate, of what kinde soever, shall be valued at five *Pounds* p. Score, in all Country and County Rates; and this Order to take place in the first Month next.

Add ition to the
Law Tit. Sealers
of Leather

A S an Explanation of the Law tit. Hides and Skins, Sett. the first. Prohibiting Transportation of unwrought Leather;

This Court Declares, that by unwrought Leather, is to be understood, not made up into Wares, and further judge meet to Declare that no Leather being Tanned shall be sent to the Curriers to be dressed before the Sealer of Leather have viewd, and set his Mark thereunto, under such Penalty as the Law provides in this Case, Title Leather.

penalty for tak-
ing away Shal-
lops, Boats Skiffs
Cannoos, &c.

IT is Ordered by this Court, and the Authority thereof; That if any Person shall take away any Shallop, Boat, Skiffe, or Canoo, from any Vessel, Wharfe, or from the Mooring, without leave from the Owner or Master thereof; he shall pay to the said Owner or Master, if it be Canoo, five *Shillings*, and for a Boate or Skiffe, *Ten Shillings*, and if it be a Shallop *Twenty Shillings*, and so much *per Day*, for every day after the first day Detaining, or not returning the same together, with what ever Damage the said Owner, or Master, or the said Canoo, Boate, Skiffe, or Shallop, shall suffer thereby in any kinde, to be judged by any Magistrate, or Commissioner, Authorized by Law in like Cases; and further to Fine the Party offending for his Trespas to the County, if there be cause.

Persons selling
Liquors to Indi-
ans, liable in
Case of Whip-
ping, &c.

W Hereas by experience, many persons through Poverty, not able to pay the Fine Imposed by Law, on the Sale of Liquors to Indians, are thereby Inbaldged to Transgress; in Addition to the Law, P. 75. Sett. 5.

It is hereby Ordered; That Persons Transgressing that Law, and not paying the Fine Imposed, shall be punished by Whipping, or the discretion of the judges, and greatness of the Offence, any Law, Custome, or Usage notwithstanding.

IT being put to the Question; Whether Wine and strong Waters belonging to the Substitutes of *Meat*, and Imported into these parts to the Market be liable to pay duties, according to the Law Title Impos;

This Question is resolved on the Affirmative; Provided the said Goods have not paid Impos in some of our Ports already according to Law



O R D E R S,

Made at A

GENERAL COURT
held at Boston, January the 6th. 1673.

And Printed by their Order.

Edward Rawson Secret.

IT is Ordered by this Court, and the Authority thereof ;
That henceforth all Cases of Admiralty, shall be heard and
determined by the Court of Assistants, and to be Issued
by the Bench without a Jury; unless the Court shall see
cause to the contrary: Provided alwayes, this Act shall not be in-
terpreted to Obstruēt the just Plea of any Marriner or Merchant Im-
pleading any Person in any other Court, upon any matter or Cause
that depends upon Contract, Covenant, or other matter of common
Equity in Maritime Affaires, to be Issued according to the known
Laws of this Colony.

*Admiralty
Cases to be
tryed at the
Court of
Assistants.*

WHereas the Publick occasions of the Country do frequently re-
quire, that Messengers be sent Post, and as yet no stated al-
lowance is settled in such cases;

It is Ordered by this Court and the Authority thereof, That from
henceforth every person so sent upon the Publick service of the Country,
shall be allowed by the Treasurer, after the Rate of three-pence per
mile, to the place to the which he is sent in money, as full satisfac-
tion for the expence of Horse and Man; And no Inholder shall
take of any such Messenger or others Travailing upon Publick service
more then two shillings per bushel for Oates, and four-pence for hay,
day and night.

*Allowance
for Posts.*

F I N I S.



Several

L A W S and O R D E R S

Made at the

GENERAL COURT

Holden at Boston the twenty seventh of May

1 6 7 4

And Printed by their Order,

Edward Rayson Secret.

Judgements frustrated by Persons.

W *HEREAS in the Levying of Executions, there have fallen out many Difficulties whereby the Judgements obtained, have been made frustrate: For the prevention whereof;*

The Court doth Order and Declare; Where any Execution shall be Levied on any Houses, Lands and Goods, and delivered to the Parties for whom the Judgement was granted and the said Execution returned according to Law; if it shall appear the Person whose Lands, Goods or Houses were levied by Execution, have affirmed, or delivered, or tendred the said Goods, Lands or Houses as his own, which in reality

Judgements frustrated by persons. Tendring goods Lands, & not their own, how to be made Good.

C

were

were not his own proper Estate, and in the same condition of Estate as he did tender them either to the Officer or Parties for whom the Execution is levied, such person so endeavouring by such Action to delude the Law and defraud the Creditor, shall be liable to pay double damages to the party grieved, and Pay such fine as the County Court shall see cause to impose.

And if any Party that hath obtained an Execution, shall adventure to levy the same upon Lands, Houses or Goods, commonly accounted the Houses Lands or Goods of the person against whom the Judgement was granted, and the Execution be returned according to Law, if it afterwards appear the said Houses, Lands or Goods were not the Houses, Lands or Goods of the said Parties against whom the Judgement was given, the party that was so mistaken making the same to appear to the Court that granted the Judgement, the said Court shall Order a new Execution for the satisfying of the Judgement notwithstanding the former Execution returned.

County Co. &c.
to renew Execu-
tions in case &c.

V Hereas it is of great moment in the Administration of Justice, that all matters of Records, should be faithfully Entered and kept, and as occasion is, given forth;

Clerk of Courts
& Recorders to
be Sworn

It is Ordered and Enacted by the Authority of this Court; That from henceforth the several Clerks or Recorders of the Publick Courts of Justice, and the Recorders of the several Counties in this Jurisdiction shall be Sworn by the Courts to which they belong, unto the faithful discharge of their Office in all respects, and that the form of the Oath be as followeth:

Their Oath.

Whereas you *A. B.* are appointed Clerk of the County Court of *C.* You do Swear by the Everliving God, that you will faithfully and uprightly demean your self in the said Office: you shall truly and fairly Enter and Record all Acts and Judgements of the said Court, and whatever you shall receive Order and direction from the said Court to do, you shall safely and faithfully keep and preserve the said Records, and deliver Executions, Decrees or Orders to Persons concerned as in duty you ought, and true Copies of such Records give forth when regularly called so to do, and in all things you shall be faithful and true to the Court: So help you God &c.

T He Law having Provided for Holding of County Courts, where Magistrates are wanting, by such persons of worth (styled Associates) as the Freemen of such Counties should Nominate, being allowed and appointed by the General Court; And there having been too great a neglect of certifying the General Court, the Names of the persons so nominated, for their confirmation and appointing such Persons the Associates for that County.

This Court doth hereby remit former neglects herein; And do Declare, That notwithstanding such Omissions, all former Acts of County Courts shall be accounted good and valid: And for time to come, do further Declare and Order, That in all Counties where Associates are to be appointed, the Freemen shall make their Nomination of such Associates at the same time yearly when they give in their Nominations for Magistrates, which Votes for Nomination of Associates shall be carried also by the same Commissioners of the several Towns, sealed up to their Shire meeting, there to be opened, and those four persons that shall have the most Votes shall be certified under the hands of three of the said Commissioners, the Shire Commissioner being one, to the Court of Election yearly: For the confirmation and Approbation of the said Associates, which being obtained, the Secretary shall certify the Clerk of the County Court thereof, who shall give notice to such Associates to appear at their next County Court there to take their respective Oaths.

Associates of Courts how to be chosen and when to be Sworn &c.

T His Court accounting it their Duty by all due means to prevent appearance of sin and wickedness in any kind:

Do order; That henceforth it shall not be lawful for any single Woman or Wife in the absence of her Husband, to entertain or lodge any In-mate or Sojourner with the dislike of the Select men of the Town, or Magistrate, or Commissioners, who may have cognizance thereof, on penalth of five pounds per week on conviction thereof before any Court or Magistrate, or be corporally punished, not exceeding ten stripes; And all Constables are to take cognizance thereof for information in such cases.



F I N I S.





Several Laws and Orders made at the
SECOND SESSIONS of the
GENERAL COURT
held at Boston in New England the
Seventh of October 1674

And printed by their Order

Edward Rawson Secr.

BOSTON COMMISSIONERS.

Commissioners power to extend through Boston Limits.

W

Hereas the settling of the Power of the Commissioners of Boston is Confined barely to the Town and neck, with Noddies Island: It is upon several Considerations thought meet and;
 It is hereby Ordered; That their Power be extended to the whole Limits of Boston, in Civil and Criminal Cases, according as the Law provides for their acting formerly in the bounded Limits above-said, not withstanding the said Law.

Boston Companies to be Divided.

Order to divide the foot Companies in Boston.

W *Hereas this Court in the Year 1652 for the better settling of the Militia in the several Towns, did Order and Enact that wherein any Town within this Jurisdiction, the Number of Souldiers who by Law are to attend constant trainings shall arise to be two hundred men, that then such Souldiers shall be divided into two Companies, if to three hundred, then to be divided into three Companies &c. Now forasmuch as it appears by good Information; That most of the Companies in Boston do exceed the aforesaid number of two hundred.*

This

This Court doth hereby Declare, that the former Order of dividing, ought to be forthwith Amended, and that the Major of the Regiment together with the Commission Officers of each Company take speedy Order to see it performed, and to make Returns thereof to the next Court of Election.

D E V O N S H I R E .

T His Court taking into Consideration what hath been asked in settling of the Eastern parts, as Kennebeck, and the places adjacent within our line, under Government, according to the Commission Granted by this Court in May last, and that on the desire of the Inhabitants of those places, are appointed to be the County of Devonshire, which this Court approves of and confirms; Settlement
of the Ea-
stern parts

And do further Order and appoint, that the County Court in some place thereof, shall be holden and kept upon the third tuesday in July yearly, &c

IT is Ordered by this Court and the Authority thereof; That the Commissioners Court of the County of Devon at the East-ward, have power to end, hear, and determine all Civil Actions arising within that County to the value of ten pounds, any LAW USAGE or CUSTOM to the contrary notwithstanding.

F I N I S

Several
L A W S & O R D E R S
Made at the
G E N E R A L C O U R T
Holden at Boston the twelfth of May

2 6 7 5 .

And Printed by their Order,

Edward Rawson. Secrt.

B O O K - D E B T S .



N Answer to the Petition of several Inhabitants of Boston. as also of other Towns in this Colony;

This Court judgeth it meet to Declare and Order, That the Law Restraining of Book Debts shall be, and hereby is lengthned for two years more from this time, any thing in that Law notwithstanding.

The Law Restraining Book debts lengthned for two years.

S H E E P S - W O O L .

IT is Ordered by this Court and the Authority thereof; That henceforth it shall not be lawful for any person or persons whatsoever, directly or indirectly to export any Sheeps-wool out of this Jurisdiction by Sea to any Foreign parts, on penalty of forfeiting all such quantities, or parcels of Wool, that shall be taken aboard any Ship or other Vessel with intent to transport the same; the one half to the Informer, and the other half to the publick Treasury.

Prohibition of Sheeps-wool

And that no Master of any Ship or other Vessel shall receive any Sheeps-wool aboard his Ship or Vessel to be transported, on penalty of forfeiting the full value or worth thereof: And the Select men of every Sea-port Town are hereby required to choose in each Town one meet person Annually to inspect this matter and execute this Order.

The penalty

D

RACCOON

RACCOON FURS.

WHereas this Court is Informed of the usefulness of Raccoon furs for making a good sort of Hats, for the supply of the Country;

Raccoon Furs not to be exported on penalty.

It is therefore Ordered and Enacted by this Court and the Authority thereof, that from and after three months after the Publication hereof, no Raccoon furs or skins shall be Shipt for exportation out of this Jurisdiction upon the penalty of the forfeiture thereof, the one halfe to the Informer, the other half to the Country. And to the end that this Law may be duely executed: It is Ordered; That such persons as are Appointed to execute the Law prohibiting the transportation of Sheep-wooll shall in like manner execute this Order.

Marshals not to make a Deputy

It is Ordered by this Court and Authority thereof; That it shall not henceforth be in the power of any Marshal to make, constitute or appoint any Deputy in his place or stead to serve Attachments, or levy Executions where the said Deputy is personally related or concerned; Nor shall it be lawful for any Constable to make a Deputy to serve Attachments or levy Executions in any case; Any Law, Custome or Usage to the contrary notwithstanding.

Directions to Clerks, Secretary and Marshals about Executions, &c.

FOr the better Direction and Registering of all Clerks, Secretaries, Marshals and Constables, in respect to the Granting and Serving of Executions:

It is hereby Ordered and Enacted by this Court; That all Executions shall be made according to the words of the Judgement, without Addition or Substraction; and that the Officer that grants the same keep upon Record the Day, Month and Year when it was granted: And that all Marshals and Constables take care to see their return Recorded, and in case of Houses or Lands taken upon Execution, it concerneth the person or persons to whom they are delivered, to see it duely Recorded, which being done, shall be a legal Assurance of such Houses and Lands to Him and his Heirs for ever.

Marshals Directions to make return of Attachments.

WHereas the Marshals Oath requires them to make Return of such Attachments as they serve to the Courts to which they are returnable which in many cases is very chargeable and troublesome:

It is therefore Ordered; That henceforth Marshals and Constables shall be obliged only to make their return upon the back side of the Attachment, and the same deliver to the Plaintiff, or his order sealed up when demanded, giving first a Copy thereof to the Defendant, if he desires it, and that no Marshal or Constable shall be bound to serve any Attachment till they have their Fees paid them, which the Law allows; any LAW USA GE or CUSVOME to the Contrary notwithstanding: And the aforesaid Clause in the Marshals Oath, relating to the Return of Attachments to the Court is hereby repealed and declared disobliging.

WHereas the Law requiring Constables to have Black staves, inform them to take their said staff with them, when they are in Execution of any part of their Office, which in some cases proves inconvenient by giving opportunity to Delinquents to escape: For prevention whereof, and as an Explanation of the said Law :

It is hereby Declared; That it is intended that Constables acting from their own Authority, and by vertue of the duty of their Place and Office shall then alwayes take with them their Black-staves in the Execution of their office: But when they shall act by vertue of warrant to them directed from Authority, they shall then be at liberty whether to carry their black staff, or not.

Constables directions about their staves

WHereas the allowing and Appointing of all Commission, military Officers in this Jurisdiction, belongs properly and only to this Court by law and is found both peaceful and satisfactory. and inasmuch as this Court may not be acquainted with many useful and fit persons for that Service.

It is therefore hereby Ordered; That henceforth it shall, and may be lawful for the Committee of Militia, in the severall Towns where there shall be need to present the names of two or three meet persons in their Towns for such service and Office to this Court for their approbation, or otherwise as they shall see Cause, &c.

Way for nomination of Military Officers

In regard of the remoteness of the County of Devonshire, and there being no Magistrate near those parts whereby it is matter of difficulty to have the County Court there kept by one of our Magistrate according to the Law.

It is therefore hereby Ordered; That hereafter it shall, and may be lawful for the County Court of Devonshire from time to time to be kept by such Gentlemen as shall be by this Court annually Commissionated to that Service, &c.

Now and by whom the County Courts in Devonshire are to be kept

For Explanation of the Law Title Military: Sect. 9. In Exemption of Masters of Ships and other Vessels above twenty Tuns from Training:

It is hereby Declared; That it is only intended in that Order, the exemption of such Masters as Trade and Passe to Forreign parts, and not of those whose employ of their Vessels is in these parts, and near where they live upon these Coasts.

Masters of Vessels to Train except

F I N I S.

Several
L A V V S A N D O R D E R S
Made at the SESSIONS of the
G E N E R A L C O U R T

Held at Boston the 13th of October 1675.

As also at the SESSIONS of COURT
held at Boston, the 3d. of Novemb.
1 6 7 5.

And Printed by their Order,

Edward Rawson Secr.

C A M B R I D G E,

Printed by Samuel Green. 1 6 7 5.

Several

L A W S & O R D E R S
 Made at the SESSIONS of the
 G E N E R A L C O U R T

Held at Boston the 13th of October 1675. As also at the SESSIONS
 of Court held at Boston the 1^d of November 1675.

And Printed by their Order,

Edward Rawson Secr.

Indians Prohibited being in Boston.

W Hereas notwithstanding the COUNCILS former Prohibition of all Indians coming to, or remaining in the Town of Boston, we finds that still there remains ground of Fear, that unless more effectuall Care be taken, we may be exposed to mischief by some of that Barbarous Crew, or any Strangers not of our Nation by their coming into, or residing in the Town of Boston;

This Court doth therefore Order and Declare;

First, That from the Publication hereof, no person or persons whatsoever in the said Town, shall upon any pretence whatsoever, Entertain, Own or Counterance any Indian, under the Penalty of being a Betrayer of this Government. Courts proclamation Prohibiting Indians to be in Boston.

Secondly, That there be a Guard appointed at the end of the said Town towards Roxbury, to hinder the coming in of any Indian, until Application be first made to the Governour, or Council if fitting, and then to be admitted with a Guard of two Musqueteers, and to be remanded back with the same Guard, not to be suffered to lodge in Town, unless in Prison: Provided, that if any Indian or Indians that shall be employed upon any publick message or business shall come up to the said Guard, they shall forthwith be conveyed to the Governour or Council, & be by him

or them disposed of, and secured during their necessary stay for the dispatch of their business, and then to be conveyed as aforesaid.

Thirdly, That it shall be lawful for any person finding any Indian in Town without said Guard, to Apprehend and Secure him.

Fourthly, That Care be taken by the Military Watch to prevent any from coming by Water to the said Town, either from *Dorchester* or *Roxbury Neck* in Canoes, or otherwise, and that there be special Care taken of places where Ammunition is kept.

Fifthly, That Order be given to *Charlstown Ferry* not to Land any Indian at the said Town without Order from the Governour, and then to be granted with two Musqueteers.

Sixthly, That it shall be lawful for any person, upon any Indians approaching the said Town, either by Water or Land, without a Guard, as aforesaid to Apprehend and secure him.

Seventhly, That Account be taken of all Strangers, who are not his Majesties Subjects, and that they remain not in Town, unless Security be given for their Fidelity: And that none be admitted but upon the like Security: And that no Master of any Vessel bring in any without acquainting the Governour therewith and presenting their Persons in order to their Examination; who if upon their Examination can give no good Account of their business, and Security for their Good Behaviour, shall be sent to Prison, unless they do forthwith depart.

Eighthly, That it shall not be lawful for any Inhabitant, from the Declaration hereof, to Entertain any Stranger in his House, or for time to come, till this Order be reversed, without leave granted by Authority, upon the penalty of any Fine Authority shall see meet to impose; And the Commissioners, and the Select Men, and Captains of *Boston* are Ordered and Required respectively to have a special Care that this Order in the several parts thereof be duely observed and attended.

V *Whereas it is found by Experience that Troopers and Pikemen are of little use in the present warr with the Indians, now for the Improvement of them to more or better Advantage:*

It is Ordered by this Court and the Authority thereof; That all Troopers shall forthwith furnish themselves with Carbines and Ammunition proportionable, and also be liable to be Impressed by the Committee of Militia in the Towns where they live to serve as foot Soldiers during the said warr; Provided alwayes that one fourth part of the Troopers in each Town be reserved for the use of the Country as such. And all Pikemen are hereby required forthwith to furnish themselves with Fire Arms, and such a quantity of Ammunition from time to time as the Law requires Musketeers to be furnished with, any LAW, USAGE or CUSTOME to the contrary notwithstanding.

Law requiring Troopers to furnish themselves with Carbines.

Three parts of Troopers liable to press in the Towns they live.

Pikemen to furnish themselves with Fire Arms.

A thousand

A thousand Fire Arms to be sent for.

Whereas the great necessity of a speedy supply of Fire Arms, Muskets and Carbiners too apparent in this time of War with the Indians;

It is Ordered by this Court, that a Thousand Fire Arms be accordingly procured with all convenient expedition for the use of the Country, Payment whereof to be made out of the publick Treasury to such Merchants as are agreed with for their procuring thereof by the Committee appointed by this Court for that end. And that the said Arms shall be proportionably distributed to the several Towns of the Colony: And the Select Men of the respective Towns are hereby enabled to raise Moneys to make payment to the Treasurer for their several Proportions.

A thousand Fire Arms to be sent for.

and way of payment for them

Committees of Militia's Power to Garrison Towns.

It is Ordered by this Court, That the Committees of Militia's in the several Towns throughout this Jurisdiction, they, or the major part of them, the chief Military Officer of the Town being present, shall settle and dispose the several Inhabitants of their respective Towns into such a posture as several Exigens appearing call for, and that into one or more Garrisons. All persons in the several Towns upon penalty of five shillings per day, being hereby obliged to labour in, and provide such Fortification or Fortifications as they shall agree upon; And all the Inhabitants to attend their places in such Fortification or Garrison as they are appointed unto, and in case of Alarm or Invasion, to appear at and for the defence of such places as by the Committee they are appointed onto: and no Inhabitant, or Souldier to leave his Station upon any employ whatsoever, but according to Order from the chief Officer.

power of Committees of Militia to Garrison the Towns &c. to prevent Invasions, &c.

2. And that the several small Frontier Towns which are judged not able of themselves to bear the distresses of the War, shall have their Women and Children (except so many as are necessary to abide) removed unto the next Inland Towns, and be there improved for the best Advantage, and least charge, until further Order be taken, and Souldiers added to the said Towns for Garrison as shall be judged necessary by this Court, or Council of the Common-wealth, the said several Towns providing them with Victual during their abode

Committees power to inspect Arms in their Town as a stock &c.

Committees of Militia's power to make Assessments for Arms.

3. That the said several Committees are hereby Ordered particularly to inspect the several stocks of Amunition and Arms in their several Towns, and the same to Alter, Augment and Dispose as they judge meet.

And the Committees of Militia in the several Towns are hereby Authorized to Assess upon all such persons of Estate within their Towns (as are by the County Courts or Committees of Militia exempted from ordinary Trainings) so many Fire Arms, Muskets or Carbines, with a proportionable stock of Powder and Amunition, as the said Committees respectively shall appoint, to be alwayes kept in their hands, to be in a readyness for the Countries service, under the like penalties as the Law provides for the Furniture of every private Souldier; and such Arms from time to time are to be surveyed and viewed by the Clerks of the Train'd Bands in the several Towns, who shall upon any defect levy the same Fines that the Law provides for particular Companies: And all such persons as shall be Assessed, and shall accordingly provide three Fire Arms, shall be freed from being sent abroad to the Wars, except in extream and utmost necessity.

Troopers to pay Rates.

W Hereas Troopers are exempted from paying Head-money and Rates for their Horses.

This Court judgeth it meet to restrain that Priviledge during this present War; And do Order that Troopers pay in that Case as others do (provided Troopers have their Priviledge for one Rate in the Year) And likewise the Castle Souldiers pay their Head-money as other men; Any LAW USAGE of C U S T O M E to the contrary notwithstanding.

L A W S & O R D I N A N C E S
O F W A R R E,

Pass'd by the General Court of the Massachusetts,
for the better Regulating their Forces and
keeping their Souldiers to their Duty, and to
prevent Prophaneness, that Iniquity may be
kept out of the C A M P.

1. **E**t no Man presume to blasphem the
Holy & Blessed Trinity, God the Fa-
ther, God the Son, & God the Holy
Ghost. upon pain to have his Tongue bored with a
hot Iron.

2. Unlawful Oathes & Execrations, & Scan-
dalous Acts in Derogation of Gods Honour, shall
be punished with loss of Pay, and other Punish-
ment at Discretion.

3 All those who often & wilfully absent them-
selves from the publick Worship of God & Pray-
er, shall be proceeded against at Discretion.

4 Whosoever shall be Convicted to do his Duty
negligently & carelessly, shall be punished at Dis-
cretion.

5. No Man shall presume to Quarrel with
his Superiour Officers, upon pain of Cashiering &
Arbitrary Punishment: nor to strike any such
upon pain of Death.

6. No Commander or Souldier shall depart from his Charge or Captain without Licence upon pain of Death.

7. Every private Souldier upon pain of Imprisonment shall keep silence when the Army is to take Lodging, or when it is Marching or in Battalio, so as the Officers may be heard and their Commands executed.

8. No Man shall resist, draw, lift, or offer to draw or lift his Weapon against his Officer, (correcting him orderly) for his defence, upon pain of Death.

9. No Man shall resist the Provost Marshal, or any other Officer in the executing of his Office upon pain of Death.

10. No Man shall utter any words of Sedition or Mutiny upon pain of Death.

11. They that shall bear Mutinous Speeches, & not acquaint their Commanders with them, shall be punished with some grievous Punishment.

12. Drunkenness in an Officer shall be punished with loss of place, and in a private Souldier with such Punishment as a Court Marshal shall think fit.

13. Rapes, Ravishments, Unnatural Abuses, and Adultery shall be punished with Death.

14. Fornication & other dissolute Lasciviousness shall be punished with Discretion according to the quality of the Offence.

15. Theft, Robbery, shall be punished with restitution, and otherwise at Discretion.

16. Murder

10. *Murder shall be Expiated with the Death of the Murderer.*

17. *All Souldiers coming to their Colours to Watch, or to be Exercised, or to Service, shall come compleatly Armed, and them fixt upon pain of punishment.*

18. *If any shall negligently lose, or sinfully play away their Arms at Dice or Cards, or other-ways, they shall be kept as Pioneers or Scavengers till they furnish themselves with as good Arms.*

19. *None shall presume to spoil, sell or carry away any Amunition committed unto him upon pain of Death.*

20. *No Souldier shall out-stay his Pass without a Certificate of the Occasion, under the hand of a Magistrate, upon pain of losing his Pay.*

By grievous Punishment is meant Disgracing by Cashiering, the Strappado, or Riding the Wooden Horse to fetch Blood.

Arbitrary Punishment, or Punishment at Discretion, is meant, not to extend to hazard Life or Limbe.

Guards & Garrison Souldiers

FOR the letter *Regulating those Souldiers that are appointed to Guard or Garrison any particular Town or Place;*

Order to regulate
Guards and
Garrison Souldiers

It is Ordered by this Court; That they shall be under the command and dispose of the chief Military Officer on the place for their improvement; whether as Scouts, Warding, Watching, Fortifying of Garrison places, or removing and taking away that which may endanger the peace and safety of the people in the places, excepting only where the Major of the Regiment to which they belong, the Council or General Court shall otherwise Appoint and Order.

To secure the Country Arms.

WHEREAS divers persons have been Impressed for the Service of the Country, who wanting Arms, have been supplied and furnished with the Arms and Amunition of other inhabitants by Order of the Committees of Militia of the several Towns, to the end that the said Arms may be duly returned to the right Owners, and the Country might not be unduely charged;

Order to secure
the Countries
Arms.

It is hereby Ordered; That the Commissioners for the War shall not pass any Debenter upon the single Certificate of his Captain for the time of the Service of any such Souldier that hath not been slain in the War, without a Certificate from the Committee of Militia of that Town whence such Souldier was Pressed, that either he went out with his own Arms, or hath returned to the right Owner the Arms which he was furnished with.

Provoking Evils.

WHEREAS the Most Wise and Holy God for several Years past, hath not only warned us by his Word, but chastized us with his Rods, Inflicting upon us many general (though lesser) Judgements; But we have neither heard the Word nor Rod as we ought, so as to be effectually humbled for our sins to repent of them, reform and amend our wayes: Hence it is the Righteous God hath heightened our Calamity, and given Commission to the Barbarous Heathen to rise up against us, and to become a smart Rod, and severe Scourge to us, in Burning and Depopulating several hopeful Plantations, Murdering many of our People of all sorts, and seeming as it were to cast us off, and putting us to shame, and yet going forth with our Armies, hereby speaking aloud to us to search and try our wayes and turn again unto the Lord our God from whom we have departed with a great Backsliding,

1. The Court apprehending there is too great a neglect of Discipline in the Churches, and especially respecting those that are their Children, through the non-acknowledgement of them according to the Order of the Gospel, in watching over them, as well as Catechizing of them, inquiring into their Spiritual States, that being brought to take hold of the Covenant, they may acknowledge and be acknowledged according to their Relations to God and to his Church, and their Obligations to be the Lords, and to approve themselves so to be by a suitable Profession & Conversation. And do therefore solemnly recommend it unto the respective Elders and Brethren of the several Churches throughout this Jurisdiction, to take effectual Course for Reformation herein.

Care of Children
of the Church
commended to
the Elders.

2. Whereas there is manifest Pride openly appearing amongst us in that long Hair like Womens Hair is worn by some men, either their own, or others Hair made into Periwigs: And by some Women wearing Borders of Hair, and their Cutting, Curling, and Immodest laying out their Hair, which practice doth prevail and increase especially amongst the younger sort.

Courts Sense of
the ill Custom
of long Hair
Periwigs, &c.

This Court doth Declare against this ill custome as Offensive to them, and divers sober Christians amongst us, and therefore do hereby exhort and advise all persons to use moderation in this respect; And further do empower all Grand juries to present to the County Court such Persons, whether Male, or Female; whom they shall judge to exceed in the Premises; and the County Court are hereby Authorized to proceed against such Delinquents either by Admonition, Fine, or Correction, according to their good discretion.

3. Notwithstanding the wholesome Laws already made by this Court, for restraining Excess in Apparel, yet through Corruption in many, and neglect of due Execution of those Laws, the evil of pride in Apparel, both for Costliness in the poorer sort, and vain, new strange Fashions both in poor and rich, with naked Breasts and Arms, or as it were pinnioned with the Addition of Superfluous Ribbons, both on Hair and Apparel, for Ruffles whereof; It is Ordered by this Court, that the County Courts from time to time do give strict Charge to present all such persons as they shall Judge to exceed in that kinde, and if the Grand-Jury shall neglect their duty herein, the County Courts shall Impose a Fine upon them at their discretion.

Excess in Ap-
parrel.

And it is further Ordered, that the County Court, single Magistrate, Commissioners Court in Boston, have hereby power to Summon all such persons so offending before them, and for the first offence to admonish them, and for each offence of that kinde afterwards to Impose a Fine of Ten Shillings upon them, or if unable to pay, to inflict such punishment as shall be by them thought most suitable to the Nature of the offence, and the same Judges above named are hereby Impowred to Judge of, and Execute the Laws already Extra against such Excess.

4. *Whereas it may be found amongst us, that Mens Thresholds are set up by Gods Thresholds, and Mans Posts besides Gods Posts, especially in the open meeting of Quakers, whose Damnable Heresies, Abominable Idolatries, are hereby Promoted, Embraced and Practised to the Scandal of Religion, Hazard of Souls, and Provocation of Divine Jealousie against his People; For Prevention and Reformation whereof:*

It is Ordered by this Court and the Authority thereof; That every Person found at a Quakers Meeting shall be apprehended *Ex Officio* by the Constable, and by Warrant from a Magistrate or Commissioner, shall be committed to the house of Correction, and there to have the Discipline of the House applied to them, and be kept to work with Bread and Water for three dayes and then released; Or else shall pay five pounds in Money as a Fine to the County for such offence: And all Constables neglecting their duty in not faithfully Executing this Order, shall incur the penalty of five pounds upon Conviction; one third whereof to the Informer. *And touching the Law of Importation of Quakers, that it may be more strictly Executed, and none Transgressing to escape Punishment:*

It is hereby Ordered; That the penalty to that Law averted be in no case abated to less then Twenty Pounds.

5. *Whereas there is much Prophaneness amongst us in persons turning their Backs upon the publick Worship before it be finished, and the Blessing pronounced.*

It is Ordered by this Court; That the Officers of the Churches, or Select Men, shall take care to prevent such Disorders, by appointing persons to shut the Meeting-House Doors, or any other meet way to attain the end.

6. *Whereas there is much Disorder and Rudeness in Youth in many Congregations in time of the worship of God, whereby Sin and Prophaneness is greatly increased; For Reformation whereof;*

It is Ordered by this Court; That the Select men do appoint such place or places in the Meeting-House for Children or Youth to sit in, where they may be most together, and in publick view; and that the Officers of the Churches or Select men do appoint some Grave and Sober Person or Persons to take a particular care of, and inspection over them; who are hereby required to present a List of the Names of such who by their own Observance or the Information of others shall be found Delinquent to the next Magistrate or Court, who are impowred for the first Offence to admonish them, for the second Offence to impose a Fine of five Shillings on their Parents or Governours, or order the said Children to be whipt, and if Incurable, to be whipt with ten stripes, or sent to the House of Correction for three dayes.

7. *Whereas the Name of God is prophaned by Common Swearing and Cursing in ordinary Communication, which is a Sin that grows amongst us, and many hear such Oaths and Curses, and Conceals the same from Authority, for Reformation whereof;*

It is Ordered by this Court, that the Laws already in Force against this Sin be vigorously prosecuted, and as Addition thereunto;

It is further Ordered, that all such persons who shall at any time hear prophane Oaths and Curses spoken by any person or persons, and shall neglect to disclose the same to some Magistrate, Commissioner, or Constable, such persons shall Incurr the same penalty provided in that Law against Swearers. &c.

8. *Whereas the shameful and Scandalous Sin of Excessive drinking Tipling, and Company keeping in Taverns and Ordinaries grows upon us, for Reformation whereof;*

It is Comanded to the Care of the Respective County Courts not to Licence more publick houses then are absolutely necessary in any Town, and to take Care that none be Licensed but persons of Approved Sobriety and Fidelity to Law and good Order. And that Licensed houses be regulated in their Improvement for the refreshing and Enterteinment of Travellers and Strangers only, and all Town dwellers are hereby strictly Injoynd and required to forbear spending their Time or Estates in such Common houses of Enterteinment to drink and tipple upon penalty of five Shillings for every offence, or if poor, to be whipt at the discretion of the Judge, not exceeding five stripes, and every Ordinary keeper permitting persons to transgress as above said, shall Incurr the penalty of five Shillings for each Offence in that kind. And any Magistrate, Commissioner, or Select men are Impowred and required vigorously to put the above said Law in Execution.

And further, It is Ordered, that all private unlicensed houses of Enterteinment be diligently searched out, and the penalty in this Law strictly Imposed, and that all such houses may be the better discovered, the Select men of every Town shall choose some sober and discreet persons to be Authorized from the County Court, each of whom shall take the Charge of Ten, or Twelve Families of his Neighbourhood, and shall diligently inspect them, and present the Names of such persons so transgressing to the Magistrate, Commissioner, or Select men of the Town, who shall return the same to be proceeded with by the next County Court, as the Law directs, and the persons so chosen and Authorized, and attending their duty faithfully therein shall have one third of the Fines allowed them, but if neglect of their Duty, and shall be so Judged by Authority, they shall Incurr the same penalty provided against unlicensed houses.

9. *Whereas there is a woful Breach of the Fifth Commandment to be found amongst us, in Contempt of Authority, Civil, Ecclesiastical, and Domesticall:*

This Court doth Declare that Sin is highly provoking to the Lord, against which he hath born severe Testimony in his Word, especially, in that remarkable Judgements upon *Cherab* and his *Company*. And therefore do strictly Require & Command all Persons under this Government to reform so great an Evil, least God from Heaven punish offenders herein, by some remarkable Judgements,

And it is further Ordered, that all County Courts, Magistrates, Commissioners, Select men, and Grand-Jurors, according to their several Capacities do take strict Care that the Laws already made and provided in this Case, be duely Executed, and particularly, that Evil of Inferiours absenting themselves out of the Families whereunto they belong, in the night, and meeting with Corrupt Company without leave, and against the mind, and to the great grief of their Superiours, which evil practice is of a very perillous Nature, and the Root of much Disorder.

It is therefore Ordered by this Court, that whatever Inferiour shall be Legally Convicted of such an Evil practice, such persons shall be punished with Admonition for the first offence, with Fine not exceeding *Ten Shillings*, or whipping, not exceeding *five stripes* for all offences of like Nature afterward.

10. *Whereas the Sin of Idleness (which is a Sin of Sodom) doth greatly Increase, notwithstanding the wholesome Laws in Force against the same. As an Addition to that Law.*

This Court doth Order, that the Constable with such other person or persons, whom the Select men shall Appoint, shall Inspect particular Families. and present a List of the Names of all idle persons to the Select men, who are hereby strictly required to proceed with them, as already the Law directs, and in Case of Obstinacy, by charging the Constable with them, who shall Convey them to some Magistrate, by him to be Committed to the house of Correction.

11. *Whereas there is Oppression in the midst of us, not only by such Shopkeepers and Merchants, who set excessive prizes on their Goods, but also by Mechanicks and Day Labourers, who are daily guilty of that evil, For redress whereof, and as an Addition to the Law tit. Oppression:*

It is Ordered by this Court; That any person that Judgeth himself Oppressed by Shop keepers or Merchants in setting Excessive prizes on their Goods have hereby liberty to make their Complaint to the Grand Jurors. or otherwise by Petition to the County Court immediately, who shall send for the person accused, and if the Court upon Examination judge the person complaining injured, they shall cause the offender to return double the overplus, or more then the equal price to the injured person, and also impose a Fine on the Offender at the discretion of the Court, And if any person judge himself Oppressed by Mechanicks or Day Labourers, they may make complaint thereof to the Select Men of the Town, who if upon Examination do finde such Complaint just, having respect to the quality of the Pay, and the length or shortness of the Day Labour, they shall cause the Offender to make double Restitution to the party injured, and pay a fine of double the value exceeding the due price.

12. *Whereas there is a loose and sinful Custom of Going or Riding from Town to Town, and that oft times Men and Women together, upon pretence of going to Lectures, but it appears to be merely to Drink and Revell in Ordinaries and Taverns, which is in it self Scandalous, and it is to be*

feared a notable means to debauch our Youth, and hazard the Chastity of such as are drawn forth thereunto; For Prevention whereof;

It is Ordered by this Court; That all single persons, who meerly for their pleasure take such Journeys, and frequent such Ordinaries, shall be reputed and accounted Riotous and Unsober persons, and of ill Behaviour, and shall be liable to be Summoned to appear before any County Court, Magistrate or Commissioner, and being thereof convicted shall give Bond and sufficient Sureties for the good Behaviour in *twenty Pounds*, and upon refusal so to do, shall be committed to Prison for *ten dayes*, or pay a fine of *forty shillings* for each offence.

Each Town to provide Flints.

It is Ordered by this Court; That every Town in this Jurisdiction shall provide as an addition to their Town-stock of Ammunition, six hundred Flints for one hundred Listed Souldiers, and so proportionably for a lesser or greater number to be constantly maintained and fitted for publick Service.

order regulating each Town to provide Flints &c.

Trading-Houses with the Indians to cease.

This Court considering the great Abuse and Scandal that hath arisen by the License of Trading-Houses with the Indians, whereby Drunkenness and other Crimes have been as u were sold unto them.

It is Ordered by this Court; That all such Trading-houses from the Publication hereof shall wholly cease, and none to presume to make any sale unto them, except in open Shops and Towns, where Goods are sold unto the English, upon the penalty of *ten pounds* for every Conviction before lawful Authority, one third to the Informer, the remainder to the Country, any Law, Usage or Custome to the contrary notwithstanding.

Powder Mill

This Court having Ordered two Watch-men from Dorchester and Milton to Watch at Dorchester Mill, and understanding the Undertakers of the Powder Mill for better defence thereof are erecting a small Stone Watch-House at their own Charges, on their Request, as being of publick concernment:

This Court Declares; That the Undertakers of the Powder Mill may repair to any one Magistrate, who by the Law are impowred to give Warrant to Impresse Workmen to carry on Publick Works of which sort this is.

Relief for the Distressed.

THis Court Considering the Inconvenience and Damage that may arise to particular Towns, by such as being forced from their habitations through the present Calamity of the Warr, do repair unto them for succour.

Do Order and Declare, (that such persons being Inhabitants of this Jurisdiction) who are so forced from their habitations, and repair to other Plantations for Relief, shall not by virtue of their Residents in said Plantations they repair unto, be accounted or reputed Inhabitants thereof, or Imposed on them, according to Law, Title, Poor; But in such Case, and where necessity requires, (by Reason of Inability of Relations, &c.) they shall be supplied out of the publick Treasury. And that the Select men of each Town Inspect this matter, and do likewise carefully provide that such men or women may be so employed, and Children Disposed of that as much as may be, publick Charge may be evoyded.

Order for relief
of the distressed

No Indians to go off the Island where placed without leave.

WHereas this Court have for weighty Reasons placed Junory Indians (that have Subjected to our Government) upon some Islands for their and our Security;

No Indians to Go
off the Islands
where plac'd
without leave,
and on pain of
death

It is Ordered; That none of the said Indians shall presume to go off the said Islands voluntarily upon pain of Death; And it shall be lawful for the English to destroy those that they shall finde stragling off from the said places of their Confinement, unless taken off by Order from Authority, and under an English Guard. And it is further Ordered; That if any person or persons shall presume to take, steal or carry away either Man, Woman or Childe of the said Indians off from any the said Islands where they are placed, without Order from the General Court or Council, he or they shall be accounted Breakers of the Capital Law Printed and Published against Man-stealing; And this Order to be forthwith Posted and Published.

Like Penalty for
such as take, or
Carry off the In-
dians without
leave

How much allowed Labourers that work for the Sculdiers.

THe Council having Ordered the Sele& men in each Town to Impresse men to help In the Corn of such Men that are Impressed and Absent from home in the Country service, but having fixed no Rate how much per day shall be allowed such Labourers;

Eighteen pence
per day allowed
such as wrought
for the Souldi-
ers &c.

This Court doth Order, they shall be allowed one shilling six pence per day, in pay as the Country Rate is paid; Provided it appear they have done a sufficient dayes work.

Wheat and Flower prohibited Importation.

T His Court considering the present State of Affairs amongst us respecting the Indian War, and what hindrances the same may be to the raising Supplies of Provisions amongst our selves;

Judge meet that the Law prohibiting Importation of *Wheat, Bisket,* and *Flower,* pag. 106. be suspended as to the particulars above mentioned, until this Court take further Order.

Law prohibiting
Importation of
Wheat &c. sus-
pended &c-

Colledge Officers to pay Rates.

It is Ordered by this Court, that the Officers and Servants of the Colledge, or of any Court that are by Law or Custome exempted in their persons or Estates from publick Services, and Country Rates shall be liable to be Rated in the Levy made for the payment of Debts for the present war, and to serve in their own persons as their Neighbours do in the Town where they dwell, Provided the Corporation of the Colledge be excepted, and likewise, that what is hereby advanced to the Country Rate, care may be taken, that it comes into the publick Treasury, and not to the particular Town Advanrage where such persons Dwell.

Colledge Officers
to pay Rates to
this war

Exportation of Provisions prohibited.

T His Court Considering the great danger of a Famine, or at least a Scarcity of Bread, and other Provisions, by Reason of this warr, (if the Lord graciously prevent not.)

Do hereby strictly prohibit the Exportation of all Sorts of Provisions (except Fish and Mackerel) out of this Jurisdiction upon any pretence whatsoever, (viQualling of Ships or Vessels excepted) and Captain *James Olliver* and *Lieutenant Thomas Brassk* are Appointed by this Court to Inspect the same, and to make Seizure of all such Provisions as shall be loaden Contrary to this Order for Exportation; to be forfeited, one fourth part to the persons seizing, the remainder to the use of the Country, and this Order to stand in force till the General Court or Council shall see just Cause to revoke it, Provided the Council may give liberty to any person, if they see Cause.

It is Ordered, that all such persons that have already quitted their habitations at *Mendon*, and do not forthwith return, or shall hereafter leave their habitations, licence not being first obtained from the General Court or Council, they shall forfeit their Interest in that place to the Country for the defraying of the Charge of the Garrison Souldiers.

Disbursements to be settled.

Account for dis-
bursements for
Arms, Horses &c
to be settled by
the Committees
of Militia in
each Town.

IT is Ordered, That the Committees of Militia in the several Towns shall hear, determine, and settle the whole Accounts of the several Towns respecting all disbursements of Arms, Ammunition, horses furniture, Provisions, &c. not exceeding three pounds for a horse, and as near as may be proportioning the Accounts of all disbursements, whose Bills to the Treasurer, or Committee of that Affair shall be paid, when the Assessments are Come in raised upon that Account.

FOR prevention of the charge and trouble of Transportation of the Rates to be levied to the Treasurer of the Country, as also matter of conveniency therein appearing;

It is Ordered; That Bills for Wages, Horses, Provisions, &c. being regularly passed to the said Treasurer, the Treasurer upon the desire of persons concerned shall repass Bills to the Constables of such Towns where Sums are due upon the aforesaid Accounts.

FORasmuch as the preservation of the Graine both Indian and English in this Colony is of great necessity, and the situation of our Inhabitants in the several Towns, being in so scattering and remote a condition, as that there can be no security from the Enemy of the Graine in the Barns of the several Inhabitants;

Order for the
securing of the
Grain that is In-
ned &c.

It is Ordered by this Court; that there be effectual care forthwith taken by the several Militia's and Select Men of the Towns for the securing the said Graine by removing it within the Command of the Garison or Garisons of the respective Towns, so as that the Enemy may not be able at pleasure to destroy it or furnish themselves with it.

F I N I S.



Several
LAWS & ORDERS
Made at the
GENERAL COURT
 Held at BOSTON the 21st. of February, 1675.

And Printed by their Order,

Edward Rawson, Secr^t.

Majors Liberty to Pursue the Enemy.

W Hereas the Law tit. Military, Sect. 11. enjoins that no Major of any Regiment shall March with his Regiment out of the County wherein he hath Command, nor cause any part thereof so to do without Order from the General Court, Council or Major General, except it be in pursuit of the Enemy upon a Row

This Court doth Order; That during these Wars, and till this Court take further Order, it shall be in the liberty of the Major of each County

Majors of Counties at liberty to pursue the Enemy
 or

or any Inferiour Commission Officer who hath command of any Company or Party of men to go out of their own proper County for Engaging, Pursuing or Destroying the Enemy; so as they be not contrary to particular Order from Superiour Officers or Authority.

Troopers Exempted from Impresse.

Troopers exempted from impress

VV *Hereas by a late Order, the Troopers were made liable to be Impressed by Foot Souldiers, at such time as it was supposed there would be little use of them against the Indians, who are found by experience to be very serviceable and necessary, and have been employed in a full proportion to the Foot;*

It is hereby Ordered that that part of the Order concerning Troopers be Repealed.

Volunteers to be under the Martial Laws,

Volunteers under the Martial Law.

VV *Hereas there are Complaints, that such Persons who list themselves Volunteers in the Countries Service, do esteem themselves from under that command which is necessary for the security of the Country;*

It is therefore Ordered by this Court; That all such Persons so listing themselves shall be subject to all such Martial Laws as are or may be provided for the well ordering of the Forces of this Jurisdiction.

Guards & Garisons.

VV *Hereas there is observed a great neglect of the Execution of the Law lately made, viz. Guards and Garison Souldiers:*

Addition to the Law viz. Guards & Garisons

It is Ordered by this Court; That the said Law be carefully (by the Committee of Militia, who are hereby Impowred in that respect, or chief Officer in each Town) put in Execution, and in particular, that daily care be taken, that a considerable part of the Souldiers by turns, in the severall parts of the Respective Towns, be improved in Scouting and Warding to prevent the Sculking and Lurking of the Enemy about the said Towns, and to give timely notice of approaching Danger: And also that the Brush in High-ways and other places (judged necessary) be cut up; And that such Persons, Youths, &c. as are not in the Roul of the Traind Bands (except such as are in publick place exempted by Law) be under Obligation to attend Command for that service, on penalty of five shillings per day for neglect.

Brush to be cut up & cleared

No Guns to be discharged at breaking up the Watch on penalty of 10 shill.

And it is further Ordered; That the breaking up of the Watch be not till the rising of the Sun, at what time the Scouts are to set forth; and that no Gun shall be then fired on penalty of ten shillings for each offence, these fines to be levied by the Clerk of the Band by Warrant from the Committee of Militia or chief Officer, who if they shall be convicted of neglect

negligent of their duty concerning any of the Premises, they or he shall be fined ten pounds to the Publick Treasury.

Upon Consideration of many Sculking Indians about our Plantations, doing much mischief and damage; And that a probable way for their surprizal is by Scouting in small Parties; for Encouragement thereof;

This Court doth Order; That every Person or Persons, that shall surprize, slay, or bring in Prisoner any such Indian on the south side of Pascatagua River, he or they shall be allowed three Pounds per head, or the Prisoners so taken, making it appear to the Committee of Militia of that Town to which they are brought.

three pounds per head allowed to all taking Indians Prisoners slaying them

P I N I S



Several

L A W S & O R D E R S

Made at the

GENERAL COURT,

Held at Boston for ELECTION the 3d. of
May 1676

And Printed by their Order,

Edward Rawson Secr.



Whereas the present Warr necessarily calls forch sundry men into the Country Service, whose Employment and Livelihood Consists in Husbandry, the promoting whereof in our Respective Towns for the Raising of Corn and Provisions, is of great Necessity for our Subsistance.

It is therefore Ordered by this Court, That the Select men of the Respective Towns do take Effectual Care, and are hereby Empowred to Impress men for the management and Carrying on of the Husbandry of such persons as are called off from the same into the Service, who have not sufficient help of their own left at home to manage the same, who shall be allowed Eighteen Pence a day for their said work, to be paid by the Respective persons for whom they work. Provided is do not appear that

Order Impowring the Select men to hire such as shall manage the Husbandry of those in the Service. Eighteen Pence p. day for their wages, &c.

any persons Employed have been unfaithful in their Labour, in which Case the *Select men* shall have Power to deduct from their wages such Proportions they shall see meet.

THis Court taking into Consideration the great Disappointment the Country hath suffered by Reason of non-Appearance of Souldiers Impressed for several Expeditions.

Souldiers refusing to make Appearance, and serve the Country Foot Souldiers to pay four Pound. Troopers six Pound.

Do Judge meet that every person Impressed as a Souldier for the Service of the Country, and neglecting to make his Appearance according to Order, every such Foot Souldier shall pay the Summe of four Pounds, and every Trooper shall pay the Summe of Six Pounds, and if their neglect or refusal be Accompanied with *Refractoriness, Resfection,* or Contempt upon Authority, such persons shall be punished with Death, or some other grievous punishment.

And the Committee of Militia in the several Towns where the Offence is Committed, are hereby Impowred and Required to call before them all such as shall be Delinquents as is above expressed, and on Conviction of there neglect to give Warrant to the Constable to Levy the said Fines, which said Fines shall be Improved to purchase Arms for the Towns use: Provided it shall be in the power of the Council upon Petition of any Person agrieved, and just Reason Alledged and proved to make Abatement of the said Fines as in their wisdom and Discretion they shall Judge meet;

And it is hereby Ordered that the Return of all Neglects and Defects in the Cases aforesaid be sent to the Committee of Militia in the several Towns, who are hereby required to take Care for the strict Execution hereof.

THis Court being Informed that sundry persons who through the Calamity of the Warr are forced to remove to other places, do Account themselves free from Duty in those places.

Order declaring the duty of such as Remove to be the same with the Inhabitants.

Do Order that all such persons so Removing shall stand in Respect of Charges and Duty to the publick in the same Capacity with the proper Inhabitants amongst whom they make their Abode or Residence.

WHereas it appears in the Bills of Disbursements stated by the Militia of the several Towns, and Transmitted to the Treasurer, there is a great Disproportion between Town and Town in the Prices set for the Hire of Horses in the Countries Service, for the preventing the like Inconvenience for the Future.

Plated price for Horse Hire in their Service Eighteen Pence per Week.

It is Ordered; That the stated price for the Hire of a Horse for the Countries use shall be one Shilling six pence in money per Week throughout this Jurisdiction.

For the Preservation of the Frontier Towns:

It is Ordered; That each of the said Towns be by the Committee of Militia divided into so many parts as a meet Number, may each day by

TUNES

Turns be sent forth upon the *Scout*, with whom a party of *Indians* at the Charge of the Country shall be joyned, that the said *Scouts* be Constantly managed by a suitable Commander in each of said Towns Appointed by said *Committee*, who shall be paid his wages by the Country, and for the Encouragement of said Towns, and more Effectual Carrying on of this work, that the *Souldiers* abroad in Service appertaining to said Towns be returned home, and they freed from the *Impress* during their Attendance to the Service abovesaid, for their own, and the Counties Defence. And that the *Frontier Towns* be Accounted *Meadfield, Sudbury, Concord, Chelmsford, Andover, Haveril, Exeter*, and for their further Security.

Courts Order.
as to Frontier
Towns, &c

It is hereby Declared to be the Duty of every chief Commander or Officer present in any Town upon notice given him of any Assault, or Distress of any Neighbour Town to lead forthwith what Aid can be spared with Safety at home for the Security of the Distressed..

THe Court being Informed of the Difficulty the Town of Salem meets withal, to finde persons that will serve in the Constables Office, by Reason of the smallness of the Fine Imposed by Law on such as do refuse.

It is Ordered by this Court that it shall be Lawful for the said Town henceforth to Impose a Fine of *Ten Pounds* upon such as do refuse to serve in the Office of a Constable there, any Law to the Contrary notwithstanding.

Town of Salem
enabled to Im-
pose Ten Pounds
Fine on those
that Refuse to
serve as Con-
stable.

IN Answer to the Petition of John Beaudon a wounded Souldier for relief, there being many in like nature that stand in like need.

The Court Judgeth it meet to Appoint Mr. *Eawara King*, Mr. *Joseph Dudley*, Capt. *Hugh Major*, and Mr. *William Parkes* to be a standing Committee to Consider of Petitions of this Nature, and make their Report of what they Judge meet to be done therein to this Court, and this Committee to Continue till the Court take further Order.

Committee to
Consider of
wounded Soul-
diers Petitions
&c.

WHereas by the late Law prohibiting Trading Houses and Trading with the *Indians* except in open Shops and Towns where Goods are sold unto the *English*, Advantage is given to persons by that Exception to Carry on a Voluntary Trade with the *Indians*, which may prove of dangerous Consequence to the publick Weal.

It is therefore Ordered by this Court and the Authority thereof, That all Trade with the *Indians* be prohibited & for the Future, it is hereby prohibited that no person whatsoever within this Jurisdiction, presume to Trade with any *Indian*, or *Indians*, directly, or Indirectly, by themselves or others; Any Commodity whatsoever upon Penalty of Forfeiture of their whole Estates for each Offence, being Convicted thereof before lawful Authority, one third to the Informer; and the Remainder to the Country; Provided that this Law do no way prohibit the necessary supply and Relief to such *Indians* and their Families as are by Order Employed in the Countries Service, or as are otherwise under the special Care and Inspection of Authority; So that such Supply and Relief to these *Indians* be made as the Court or Council shall allow, or if no Estate, then to be banished upon pain of Death. And that by such as are under the special Care and In-

Order prohibi-
ting Trade with
the *Indians* on
Penalty of Con-
fiscation of
Estate or Ban-
ishment, &c.

spection of Authority, be meant such as being peaceably disposed do come in, (and being Appointed the place) do live within the view, and under the Eye, and Protection of the *English*.

W *Hereas there are distracted persons in some Towns that are Unruly, whereby not only the Families wherein they are, but others suffer much mage by them.*

Select men Pow-
to take Care for
the Distracted

It is Ordered by this Court and the Authority thereof; That the Select men in all Towns where such persons are, are hereby Impowred and Injoyed to take Care of all such persons that they do not Damnifie others. And also to take Care and Order the Management of their Estates in the Times of their Distemperature, so as may be for the good of themselves and Families depending on them; And the Charge to be paid out of the Estates of all such persons where it may be had, otherwise at the publick Charge of the Town such persons belong unto.

T *His Court Considering the great Inconveniency that will Eujue if persons be left at Liberty to withdraw from the Frontier Towns that are yet standing out, thereby Enfeebling the Remote parts of the Country, and tending to the Damage of the whole,*

Com mittees of
Militias Powes
in each Town

Do therefore Order; That it shall not be in the Liberty of any person whatsoever, who is by Law Injoyed to *Tram, Watch, Ward, or Scout*, to leave the Town he is an Inhabitant of, upon any pretence whatsoever, without Liberty first obtained from the *Committee of Militia* in the Town to which he doth belong, or in Case of their denial, then by the *Council* of the *Common Wealth*, upon the penalty of *Twenty Pounds*; except within one week after they be required by the *Committees of Militia* to return to their Station, they shall accordingly Return, which Summe of *Twenty Pounds* upon Certificate from the *Committees of Militia*, to the *County Court* of that Shire, or to any two Magistrates, shall by their warrant be forthwith Levied upon the Estates, or for want thereof upon the persons of such Delinquents to be disposed of, either to such as will Come unto the said Town, to strengthen them, or towards the bearing the Charge of the Warr; Or otherwise, as those that stand it out shall see meet.

And it is further Ordered; That no person capable so Assist in securing the Garrison he belongeth to, shall absent himself by going out of Town without acquainting of, and Liberty obtained from the Commander of said Garrison, upon Penalty of *five shillings* for each Offence in that kind, that so the danger to which the Garrisons in the Respective Towns are exposed too by frequent absence of such as are for the Defence of them may be prevented.

The customary cut of the Colony arms is necessarily omitted to bring this page to the size of the others.

W. H. W.

At A

GENERAL COURT

Held at Boston May the 3d, 1676

FOr the preventing of Injustice, and Inequality in the discharge, and payment of Disbursements made by any particular persons, or Towns for the Carrying on this present Warr.

It is Ordered by this Court, that a Committee shall be Chosen in each County, to Examine the Rates put up on all manner of things used or Expended for the Publick, and to View the particular Bills allowed by the Militia of each Town for Expences, until the first of this Instant. And so farr as they judge right and oqual to pass the same under their hands. And the Committees abovesaid are hereby Ordered to Choose one man from among themselves, in every of the Countyes, who shall meet at Boston the first fourth day in July next, and bring with them the Accounts allowed and passed in the several Countyes, where, and when their work shall be to Compare them together, and so to Regulate the whole, as to them shall seem most just & equal, whose Act being by them given under their hands to the Treasurer, shall be a sufficient warrant for their allowance in payment of the Country Rate.

The names of the several Committees are,

For Suffolke, Capt. Fisher, Deacon Parker, Mr. Stoddard.
 For Essex, Major Appleton, Mr. Bartholomew, Ens. Fuller.
 For Middlesex, Capt. Hammond, Lieut Johnson, Mr. Joseph Cook.
 For Norfolk, Mr. Dalton, Ens. Bujwil, Lieut. Brown.
 For Hampshire, Capt. Helliock, Lieut. Clarke, Deacon Tilton.



Several

LAWES & ORDERS
Made at the first SESSIONS of the
GENERAL COURT
for ELECTIONS
Held at Boston in New-England
 May 23d. 1677.

Printed and Published by their Order,
 By *Edward Rawson* Secr^t.



HIS COURT being desirous to prevent all occasions of Complaint referring to the Prophanation of the SABBATH; And as an Addition to former LAUVES; Do ORDER and Enact, that all the Lawes for Sanctification of the Sabbath, and preventing the prophaning thereof, be twice in the year viz. in March and September publickly Read by the Minister or Ministers on the Lords daye in their severall respective Assemblies within this Jurisdiction; and all people by him Cautioned to take heed to the observance thereof. And the Select men are hereby Ordered to see to it that there be one man appointed to inspect the

Order to prevent profanation of the Sabbath.

ten Families of their Neighbours, which Tithing man or men shall and hereby have power in the absence of the Constable to apprehend all Sabbath-breakers; disorderly Tiplers, or such as keep Licensed Houses, or others that shall suffer any disorder in their Houses on the Sabbath-day or evening after, or at any other time, and to carry them before a Magistrate or other Authority, or commit to Prison, as any Constable may do; to be proceeded with according to Law.

A Cage to be Erected. And for the better putting a restraint and securing Offenders that shall any way transgress against the Laws in Sabbath, either in the Meeting House, by any abusive Carriage, or misbehaviour, by making any noise, or otherwise, or during the day time, being laid hold on by any of the Inhabitants, shall by the said person appointed to inspect this Law, be forthwith carried forth and put into a Cage in *Boston* which is appointed to be forthwith by the Select Men set up in the Market place, and in such other Towns as the County Courts shall appoint, there to remain till Authority shall examine the person offending, and give order for his punishment, as the matter may require according to the Laws relating to the Sabbath.

QUAKERS-MEETINGS.

Addition to the Lawes against Quakers meeting **A**S an Addition to the last Law relating to Quakers meetings, The Constables of every Town, are hereby Required to make diligent Search in their respective Townes, especially on the Lords day, in all suspected places and houses, and where they know, or may be informed that any Quakers are met to Celebrate their Irregular and prohibited worship, and are hereby Impowred to break open the doore where they are denyed peaceable entrance, and such persons as shall be found at such meetings, shall be apprehended and proceeded with and punished as the Law provides in that case; and every Constable neglecting his duty herein, and being Legally convicted thereof, shall forfeit the sum of forty shillings to the use of the County; And for all such persons that shall be presented or complained of for absenting themselves from the publick allowed worship of God on the Lords days, and will not so much as affirme they were there, or necessarily absent by the providence of God, it shall be adjudged a conviction of the breach of the Law, and punished accordingly.

ADMINISTRATIONS.

Administrations to be granted to the estate of persons dying **I**T is Ordered by this Court, and the Authority thereof, That when any person Dyeth Intestate, whose Estate is Insolvent, and not sufficient to satisfy the several Creditors, and upon information thereof given to the Court of that County, the said Court shall grant Administration as the Law directs, and Impower Commissioners to receive and examine the Claimes of the several Creditors, and

and give notice by posting up a Paper in the most publick place in *Boston*, and in the Town where the person lived, and in the three next adjacent Towns, that all persons concerned may come and make their Claims, and prove their Debts within twelve Months after publication at farthest (unless upon occasion the County Court see cause to give further time) before the said Commissioners, and such as they shall finde clear and unquestionable Debts, to receive and allow them, and so the said Court shall make a just and equal division to all the Creditors according to their severall proportions so far as the said Estate will extend unto And whatsoever Creditor shall not come in within the time limited as aforesaid to challenge and prove his Debt, he shall be debarred from any part of his or her said Debt, unless such person afterward can finde some other Estate of the Deceased not found out before, and put into the Inventory: And any Estate of like nature now depending, and not fully issued by an equal Division among all the Creditors, according to their proportions, shall be settled according as this order directs, any proceedings or actings in any Courts or otherwise to the contrary notwithstanding.

*How to be divided**In-keepers Liberty.***F**OR the advancement of the Countries Commodities;

It is Ordered by this Court and the Authority thereof, that all Retailers of Strong Beer, being Licensed thereto, shall have liberty to sell strong Beer above two pence per quart, provided they put in of Barley Malt proportionable, *viz.* Beer at three pence per quart three bushels of Malt to a Barrel; at four pence per quart four bushels to a Barrel, any Law, Usage, or Custome to the contrary notwithstanding.

*Inkeepers liberty to retail Beer at 2 pence, 3 pence 4 pence a quart on condition**Musketers to provide Snapfacks.*

AS an Addition to the Law tit. Military Sect. 7. requiring Pikemen to provide Snapfacks, and being wholly silent as concerning Musketers;

Musketers to provide with Snapfacks

This Court do Declare that Musketers are alike required to provide Snapfacks with their other Amunition that Law expresseth.

Indians to be settled in four Plantations.

WHereas after this time of Trouble and War with the Indians, the well-ordering and settlement of those that remain, and are under Command, is a matter of great concernment to the peace and security of the Country, and the welfare, civilizing, and good education of the said Indians and their Children;

Order to settle our Neighbour Indians in four Plantations

It is hereby Ordered and Enacted, that all such Indian Children or Youths that are settled or disposed by order of Authority, or with their

Parents or Relations consent to any of the English Inhabitants within this Jurisdiction, shall to remain with them as Servants; and to be taught and instructed in the Christian Religion, until each of them attain to the age of twenty four years; except by special contract it be otherwise provided: And for such Indian Children Youths or Girls, whose Parents have been in Hostility with us, or have lived among our Enemies in the time of the War, and were brought in by force, and given or sold to any of the Inhabitants of this Jurisdiction, such shall be at the disposal of their Masters or their Assignees: Provided they be instructed in Civility and Christian Religion; And for all other Indians that are admitted to live within this Jurisdiction, as well such as are called Praying Indians as well as others, they shall be reduced to Inhabit in four places for the present, *Natick, Punkkepaug, Hassanemist and Wamest*, and within the limits of those Townships, as they are granted to them by the General Court, where they may be continually inspected, and from time to time ordered and governed by such as this Court or Council shall appoint: And when they are once settled as aforesaid, a List to be taken of all the Men, Women and Children of the several Companies once a year at least, and kept upon Record with a strict charge and prohibition upon the penalty of the displeasure of this Court, not to receive or entertain any Stranger or foreign Indian or Indians into their society without the knowledge or approbation of Authority; and that the Indians about *Pasataqua*, shall be settled about *Quechocho* as shall be further Ordered by the Council; and all other Laws and Orders relating to the Indians and made since the War began, as to their confinement to this or that place, or giving liberty to any to take or kill any of them found without the limits appointed are hereby repealed and declared void.

Law to kill our
Indians out of
their limits, re-
pealed

Indians Liberty.

FOR the prevention of all inconveniences that may fall out by the setting of the Indians at liberty, to be freed from any fears of being shot, found out of their limits;

It is hereby Ordered, that all Neighbour Indians and Friends though at liberty to hunt, &c. yet carrying their Guns with them into the woods and not easily discovered whether friends or not, shall and hereby are enjoyned on the sight of any English person, or being called unto, shall immediately lay down his Gun and leaving it, repair to the said English person, and make it out by his certificate from some person in Authority of his name, and place of abode, and liberty, as aforesaid, or otherwise, shall be liable to have his Gun took from him, and to be looked at as an Enemy; nor shall any Indian on this side *Merrimack River* have liberty to trawill the woods with their Guns without a Certificate from Major General *Daniel Denison*, or Major *Daniel Gochin*, or on the other side of *Merrimack* without like Certificate from Major *Richard Waldern*.

Order to prevent inconveni-
encies by Indians
liberty to trawill
the woods with
their Guns.

Not to go
without cer-
tificates

Book-Debts.

IN Answer to the Petition of sundry the Inhabitants of Boston, humbly desiring that the Law respecting Book-Debts be repealed, &c. *Law about Book Debt: suspended for 3 years*
 It is Ordered, that the Law respecting Book-Debts shall be and hereby is suspended for three years longer from this time.

Double Customs for all Wines, Brandy & Rum.

IT is Ordered by the Authority of this Court, that the Custom of all *Double Custom for a Wine, Brandy and Rum* Wines, Brandy and Rum Imported into this Jurisdiction shall be doubled from henceforth to what hath been paid.

Prises of Horses to the Country Rate.

WHereas it is manifest that the prises of Horses is much fallen to what they formerly were, and yet by Law are to be Rated at five pounds per Horse;

It is therefore Ordered by this Court and the Authority thereof, that henceforth all Horses and Mares from three years old and upwards, shall be Rated at three pounds in a single Country Rate; between two and three years old at forty shillings; and between one and two years old at twenty shillings: any Law, Custom or Usage to the contrary notwithstanding.

Prises for Disbursements.

THIS Court doth Order, That all disbursements (since the first of May 1675 relating to the Indian War) according to their several species, shall be reduced to the prises or valuation hereafter expressed viz that the prises and payments of all things referring to the premises to be at the Country Rate price.

To Billeting of Souldiers, viz. one man per week, five shillings four pence.

To provision for Souldiers out, i.e. one man per week, five shillings four pence.

The Souldiers Billeting or provision out, as aforesaid from the date of these presents, per week five shillings.

To Billeting Souldiers by the meale, not exceeding

ceeding two dayes, after two meales a day, six-pence per meale.

To loss & damage of Armes and furniture as the Committees of militia in the several Towns shall value, at a just and equal price.

Stated prices
for all dis-
bursements
about the
War.

To a Horse at grass a day and a night, not exceeding two dayes at a time, four-pence.

To a Horse at grass one week, one shil. six-pe.

To a Horse at dry meat a day & night, not exceeding two dayes at a time, six-pence

To one Horse a week at dry meat, two shill.

To a Horse hire by the week, two shillings.

To a Horse hire for a day or two, not exceeding four dayes, six-pence per day.

To Horses Imprest as Dragoons, to be paid as Troopers horses.

To Posts as the Law directs.

To Provisions of all sorts, as Bread per hundred: Beef, Pork, by the barrel &c. at the current prizes they are sold at the time they are taken up, to be paid in money.

To Horses lost as the Law directs.

To carting, four oxen & a man, five shil. p. d.

To a man with three Horses & a cart at five shillings per day, and so proportionable.

To Amunition, powder two shillings p. pound musket bullets eight pence per score, and small shot proportionable.

To Ferriage of Souldiers & horses half price

To Oates according to two shil. per bushell.

Pro

Provided the Billets of Souldiers in particular places, be allowed by the Committee for the Warr: and that the allowances for Ferriage concerning some few particular persons, be suspended to further Consideration.

And that all Bills Signed and allowed by the Committee of Militia of the respective Towns according to these Rates, shall be accepted and payed by the Treasurer.

F I N I S.



Several
Laws and Orders

Made at the second Sessions of the

GENERAL COURT

Held at BOSTON October. 10th. 1677.

And published by Order thereof.

Edward Rawson Secr'.

W Hereas many secret attempts have been lately made by evil-minded persons to set fire in the town of Boston, and other places, tending to the destruction and devastation of the whole; this Court doth account it their duty to use all lawfull means to discover such persons, and prevent the like for time to come :

Be it therefore Ordered and enacted by this COURT and the Authority thereof, that the Law, *tit. Oaths and Subscriptions, Pag. 120. Oath of Allegiance & Fidelity for Inhabitants & Strangers.* Sect. 2. requiring all persons as well inhabitants as strangers (that have not taken it) to take the Oath of Fidelity to the Country, be revived and put in practice through this Jurisdiction: And for the more effectual execution thereof; It is Ordered by this Court that the Select-men, Constables and Tything men in every Town, doe once every quarter of a year so proportion and divide the precincts of each town, and go from
 N house

house to house, and take an exact list of the names, quality and callings of every person, whether Inhabitant or Stranger, that have not taken the said Oath, and cannot make due proof thereof; and the Officers aforesaid are hereby required forthwith to return the names of such persons unto the next Magistrate, or County Court, or chief Military Officer in the Town where no Magistrate is, who are required to give such persons the said Oath prescribed in the Law, wherein not only fidelity to the Country, but Allegiance to our King is required: and all such as take the said Oath, shall be recorded and enrolled in the County Records, by the Clark of each County Court; and all such as refuse to take the said Oath, they shall be proceeded against as the said law directs. And further, this Court doth declare, that all such Refusers to take the said Oath, shall not have the benefits of our Laws to implead, sue or recover any debt in any Court or Courts within this Jurisdiction, nor have protection from this Government whilst they continue in such obstinate refusal.

And furthermore, It is Ordered that if any Officer intrusted with the Execution of this order do neglect or omit his or their Duty therein, they shall be fined according to their demerits, not exceeding five pounds for one offence, being complained of, or presented to the County Courts, or Court of Assistants and this Law to be forthwith printed and published, and effectually executed from, and after the last of *November* next, and that all persons that Administer the Oath above said, shall in like manner make return of the names of such persons so sworn to the respective Clarks of the County Court.

ACTS OF TRADE to be observed.

T*His Court being informed by Letters received this day from our Messengers of his Majesties expectation, that the acts of Trade and Navigation be exactly and punctually observed by this his Majesties Colony: His pleasure therein not having been before now signified unto us, either by express from his Majesty, or any of his Ministers of State.*

*His Majesty's
Acts of Navigation
and Trade to be
observed on penalty,
&c.*

It is therefore hereby Ordered, and by the Authority of this Court Enacted, that henceforth all Masters of Ships, Ketches, or other Vessels of lesser or greater burden; arriving in, or sailing from any of the Ports of this Jurisdiction, do without covin or fraud, yield faithfull and constant Obedience unto, and Observation of all the said Acts of Navigation and Trade, on penalty of suffering such forfeitures, loss and damage, as in the said Acts are particularly expressed. and the Governour and Council, and all Officers commissioned and authorized by them, are hereby Ordered and required to see to the strict Observation of the said Acts.

Addition

Addition to the Law concerning Profanation of the Sabbath

As an Addition to the late Law made in May last for the prevention of profanation of the Sabbath, and strengthening of the heads of Tything men appointed to inspect the same.

It is Ordered that those Tything men shall be, and are hereby appointed and impowred to inspect publick licensed houses as well as private, and unlicensed houses of entertainment, as also *ex officio* to enter any such houses, & discharge their duty according to Law, and the said Tything men are impowred to Assist one another in their several precincts, and to act in one anothers precincts, with as full power as in their own, and yet to retain their special charges within their own bounds.

And it is Ordered that the whole Fine raised by the penalty of this Law upon delinquents either in publick or private houses shall be remitted to the County Treasurer, and the Tything mens allowance made payable from him.

*Addition to
the Law, tit.
Sabbath. Ty-
thing mens
power, &c.*

F I N I S.



SEVERAL

Laws and Orders

Made at the second Sessions of the
GENERAL COURT
Held at Boston, October 2^d. 1678.

And published by their Order.

Edward Rawson Secr.

I A. B. doe truly and sincerely acknowledge, profess, testify, and declare in my Conscience, before God and the world, that our Sovereign Lord *King Charles* is lawfull and rightfull King of the Realm of *England*, and of all other His Majestyes Dominions and Countreyes; and that the Pope, neither of himself, nor by any Authority of the Church or See of *Rome*, or by any other means with any other hath any power or Authority to depose the King or to dispose any of his Majestyes Kingdomes or Dominions, or to authorize any foreign Prince to invade or annoy Him or His Countrey; or to discharge any of his Subjects of their Allegiance and Obedience to his Majesty, or to give licence or leave to any of them to bear Arms, raise Tumults. or offer any violence or hurt to his Majestyes Royal Person, State.

The Oath of
Allegiance.

State or Government, or to any of his Majestyes Subjects within his Majestyes Dominions.

Also I doe swear from my heartt, that notwithstanding any Declaration, or Sentence of Excommunication or Deprivation made or granted or to be made or granted by the Pope or his Successors, or by any Authority derived, or pretended to be derived from him or his See against the said King, his Heirs or Successors, or any absolution of the said Subjects from their Obedience, I will bear Faith, and true Allegiance to his Majesty, his Heirs and Successors, and him and them will defend to the uttermost of my power against all Conspiracies and attempts whatsoever, which shall be made against His or Their Persons, their Crown and Dignity by reason or colour of any such Sentence or Declaration, or otherwise: and will doe my best endeavour to disclose and make known unto his Majesty, his Heirs and Successors all Treasons, and traitterous Conspiracies which I shall know or hear of to be against Him, or any of Them.

And I doe further swear, that I doe from my heart abhor, detest and abjure as impious and heretical, this damnable Doctrine and Position, That Princes which be excommunicated or deprived by the Pope, may be deposed or murdered by their Subjects, or any other whatsoever. And I doe believe, and in my Conscience am resolved, that neither the Pope, nor any Person whatsoever, hath power to absolve me of this Oath, or any part thereof; which I acknowledg by good and full Authority to be lawfully ministred unto me; and doe renounce all pardons and dispensations to the contrary. And all these things I doe plainly and sincerely acknowledge and swear according to these exprefs words by me spoken, and according to the plain and common sense and understanding of the same words, without any Equivocation or mental Evasion, or secret Reservation whatsoever. And I doe make this Recognition and acknowledgment heartily, willingly and truly upon the true Faith of a Christian: So help me God.

W Hereas it hath pleased his most excellent Majesty our Gracious King, by his Letter bearing Date the twenty seventh of April, 1678. to signifie his Royal pleasure, That the Authority of this his Colony of Massachusetts in New-England, do give forth Orders that the Oath of Allegiance as it is by Law established within his Kingdome of England, be administered and taken by all his Subjects within this Colony, who are of years to take an Oath:

Order to take
the Oath of
Allegiance.

In Obedience whereunto, and as a demonstration of our Loyalty;
It is Ordered and Enacted by this Court and the Authority thereof, that as the Members of this Court now sitting have readily taken the Oath of Allegiance, so by their Example and Authority they do require, and command that the same Oath be given and taken by all his Majesties Subjects within this Jurisdiction, that are of sixteen years of Age and upwards. And to the end this Order be duely executed, It is hereby Ordered, that a convenient number of printed Copies of the said Oath of Allegiance, exactly agreeing with the written Copy inclosed in his Majesties Letter, and signed by the Secretary of State, be sent forth

forth un to every Magistrate and Justice of Peace, and to the Constable of every Town within this Jurisdiction.

And it is further Ordered that the Magistrates and Justices, or such as are Commissioned with Magistrical Authority in every County of this Colony do with all convenient speed repair to the several Towns and Villages within this Jurisdiction, at such time, and in such order as they best may, and accomplish the same; giving forth their warrant to the Constables of each Town to convene all the Inhabitants of the Age above said, and taking their names in writing, administer the said Oath of Allegiance to each of them, and return their Names to the Recorder of each County Court to be enrolled. And if any shall refuse to take the said Oath, or absent themselves unless in case of sickness, the Names of such shall be returned to the Recorder of the County, who are to be proceeded against by the County Courts respectively, for the first Offence whereof he is legally convicted, to pay such a Fine as the County Court shall impose, not exceeding five pounds, or three Months Imprisonment in the common prison or house of Correction: And for the second offence whereof he shall be lawfully convicted, what summe the County Court shall inflict, provided, it exceed not ten pounds, or six Months Imprisonment without Baile, or Main-prise.

IT being the Duty as well as the Practice of all good Subjects to provide for the safety and security of the Person, Crown and Dignity of their Sovereign Princes; this Court being sensible of their duty and obligation to our Sovereign Lord the King,

Do hereby Order and Enact, That whatsoever Person within this Jurisdiction shall compass, imagine or intend the death or destruction of our Sovereign Lord the King (whom Almighty God preserve with a long and prosperous Reign) or to deprive or depose him from the Sale, Honour or kingly Name of the Imperial Crown of England, or of any other his Majesty's Dominions; and such compassings, imaginations Devices or intentions shall express utter or declare, by Printing, Preaching or malicious & advised speaking, being legally convicted thereof upon the Oathes of two lawfull and credible Witnesses, upon Trial or otherwise convicted by due course of law, then every such person or persons so offending shall be declared and adjudged to be Traitors, and shall suffer the pains of Death.

Treason punished with Death.

IT is Ordered by this Court and the Authority thereof, that in all Towns within this Jurisdiction, where there shall be more Companies then one, the precedence of such Companies shall be according to the Priority of the Captains Commission.

Precedency of Companies in Towns

Direction for Clerk of the Writts,

FOR the ascertaining the power of the Clerks of the Writts, It is Ordered that all Clerks of the Writts shall sign Warrants only in the Towns and places where they are chosen and reside.

2. That all Writts so signed shall pass in all Courts of Judicature throughout the Colony they signing, *A. B. per Curiam, for the town of C.*

Clerk of the
Writts Direc-
tion.

The Law for
exportation
of Provision
repealed.

THERE being a Law made in *OFeb. 1675.* prohibiting the exporting of all sorts of provision; which said Law was to stand in force only during the Courts pleasure, which this Court having considered of, for good reason judge meet hereby to repeal the said Law.

F I N I S.



SEVERAL

Laws and Orders

Made at the first Sessions of the

GENERAL COURT

Held at Boston, May 28. 1679, and published by their Order.

Edward Rawson Secretary.

W Hereas there is an abusive and evil practice taken up in several places of this Colony, upon Training days, more publick or private, & other publick Conventions of People upon civil occasions, diverse persons taking liberty to bring into the field, and other places near such concourse of people, considerable quantities of wine, strong liquor, Cider, and other inebriating Drinks, having no license so to doe, whereby many People both English and Indians that come to such Meetings, as well as Souldiers, commit many disorders of Drunkenness, Fighting, neglect of duty; &c. for prevention whereof;

It is Ordered by this Court and the Authority thetEOF, that henceforth no Person whatsoever shall presume to bring into the field, and sell by retail upon such occasions, any Wine strong Liquor, Cider or any other inebriating Drink (excepting Beer of a peny a quart) unless he or they so doing have license from the hands of two Magistrates, or the chief Military Officer or Officers in the Field, upon penalty of forfeiting all such strong Drink, and paying a Fine of five pounds, one half to the informer, the other half to the County Treasury. And it is further Ordered, that the Constables of the Town where such meeting is, are Ordered and required with a meet company to guard him; shall by Warrant from the chief Officer, seize upon all strong Liquors, Witte, Cider, or other strong Drink, and dispose of the same as this Law directs.

Order prohibiting retailing strong Drink at Trainings.

Four dayes
Training only
unless, &c.

IT is Ordered by this Court (for the easement of the Country) that the ordinary Trainings of Foot and Horse be reduced to four dayes in the year, any Law, Custome, or Usage to the contrary notwithstanding: unless the Commission Officers of each Company, in every Town respectively, shall see cause to draw forth and exercise their Companies (after the four Training dayes enjoyed be expired) one or two dayes more, which they are allowed and impowred to doe.

Order regul-
ating Size of
Bricks ou
penalty

IT is Ordered by this Court and the Authority thereof, that clay to make Bricks shall be digged before the first of *November*, and turned over in the Moneth of *February* and *March* ensuing a moneth before it be wrought, and that no Person temper their Bricks with salt or brackish water, and that the size of Bricks be nine inches long, two and a quarter inches thick, and four and an half inches broad; and that all moulds used for making of Bricks be made according to these sizes, and well shod with iron: And what person or persons soever, shall make Bricks in any respect contrary to this Order, in the several particulars of it, shall forfeit the one half of such Bricks to the use of the Treasury of the Town where they are made.

Penalty for
Foot-souldiers
absence from
Trainings.

AS an addition to the former Law tit. *Military*, It is Ordered by this Court and the Authority thereof, that every Foot-Souldier that is a Delinquent on a Training Day, shall pay for each dayes delinquency five shillings in money, or ten shillings per Day in good merchantable commodities, or Grain as the Country Rates are paid, to be levied by the Clark of each Company as the Law directs.

for encourage-
ment of Fish-
ing Trade.

IT is Ordered by this Court & the Authority thereof, that all fishermen that are shipt upon a winter & spring voyage shall duely attend the same, according to custome or agreement, with respect to time. And all Fishermen that are shipt upon a Fishing Voyage for the whole Summer, shall not presume to break off from their Voyage, before the last of *October*, without the consent of the Owner, Master, and Shoar men, upon the penalty of paying all Damages.

Law about
Book-debts
repealed.

VPon Complaint of sundry inconveniences and Prejudice arising by the Law entitled Debts by Book. if put in execution: Which Law hath upon sundry petitions from time to time been suspended, & now again by longer experience found to be very detrimental,

This Court on serious consideration hereof, and what else is presented, sees cause to repeal the same; and by the authority hereof it is hereby repealed to all intents and purposes.

Question re-
solv'd as to
Letters of At-
turney from a
Town.

WHither if a Town see good to implead any Person in a course of Law, and make their Vote to that end, and chuse their Attorney, it be not sufficient Legal Attorneyship, and to be allowed in Court, the said Attorney bringing a Record of the said Order or choice, signed by the hand of the Recorder of the Town, though there be no Seal as in other Letters of Attorney? This Question was resolv'd by the Court on the affirmative.

Whereas

Order for listing Troopers.

W Hereas Complaints are made to this Court that several foot Companies are discouraged and weakened, by frequent listing their best Souldiers into Troops, (whereby the Infantry reputed the chief strength of the Militia in any Country) are like to be very feeble, and this error arises from the misconstruing of a Law directing the listing of Troopers, which saith, that no person shall list unless he pay for one hundred pounds estate in a single Country rate, and be otherways well qualified. But the practise is different from the Law (as is conceived,) for Constables giving Certificate that such a person payes in a single Country Rate eight shillings four pence, including therein heads of persons; and upon this Certificate the Captain of the Troop listeth the person Certified, and so as it is apprehended the Law is not attended. For prevention whereof,

Order regulating listing of Troopers.

It is Ordered that no Constable shall give Certificate to any person desiring to list a Trooper, unless the said person pay *bona fide* in a single Country Rate for one hundred pounds estate, without respect to poll money and also no such Foot Souldier shall list in any Troop, unless he have a Certificate from the Major of the Regiment under his hand, that he is a fit person and hath obtained the consent of the Commission Officers of the Foot Company whereunto he belongs, or the major part of them, &c.

Meeting Houses not to be erected without License.

F Orasmuch as it hath too often happened that through differences arising in several Towns, and on other pretences there hath been Attempts by some persons to erect new meeting houses although on pretence of the publick worship of God on the Lords days; yet thereby laying a Foundation (if not for Schisme and sedition to error and heresie) for perpetuating divisions, and weakening such places where they dwell in the comfortable support of the Ministry orderly settled amongst them.

For prevention whereof for the future,

It is Ordered by this Court, and the Authority thereof: that no persons whatsoever without the consent of the Freemen of the Town where they live, first orderly had and obtained at a publick meeting assembled for that end, and license of the County Court: or in defect of such consent and license by the special order of the General Court, shall erect, or make use of any house as aforesaid. And in Case any person or persons shall be convicted of transgressing this Law, every such house or houses wherein such persons shall so meet, more then three times, with the land whereon such house or houses stand, and all private wayes tending thereto, shall be forfeited to the use of the County, and disposed of by the County Treasurer, by Sale or demolishing, as the Court that gave Judgment in the Case shall order.

Penalty for erecting new Meeting houses without consent of Authority.

F Or the greater comfort and safety of all people who are intended to resettle the Villages deserted in the late war, or the planting any new Plantation within this Jurisdiction.

It is Ordered and Enacted by this Court, and the Authority thereof; That no deserted Town, or new Plantation shall be inhabited, until the people first in application unto the GOVERNOUR and COUNCIL, or to the

Order directing the settlement of towns deserted, or New Plantations,

County Courts, within whose Jurisdiction such Plantation is. And the Council or County Court are hereby Ordered and Impowred to appoint an able & discreet Committee [at the charge of the people intending to plant] which Committee are Ordered and Impowred to view and consider the place, or places to be settled, and give directions and orders in writing, under their hands, in what form and manner such town shall be settled and erected wherein they are required to have a principal respect to nearness and conveniency of habitation for security against Enemyes, and more comfort for Christian Communion and enjoyment of Gods worship, and education of Children in Schools and Civility, with other good ends. And all such planters are hereby Injoynd to attend and put in practice such orders and directions as shall be given by such Committee upon the penalty of one hundred pounds Fine to the Country, to be inflicted upon them by order of the Council, or County Courts for their neglect or refusal to attend this order.

10 s. per hog-
head abated
upon impost of
Rhum,

IT is Ordered that from henceforth an abatement of the Impost upon Rhum be made of ten shillings *per* Hogshead, and that two pence be added by the quart upon all Strong liquor that is retayled by less quantities then ten Gallons at one time.

F I N I S.



SEVERAL

Laws and Orders

Made at the second Sessions of the

GENERAL COURT

Holden at BOSTON Octob. 15. 1679. and Printed by their Order,

EDWARD RAWSON Secr.

F Or the prevention of the profanation of the Sabbath, and disorders on Saturday night by Horses and Carts passing late out of the Town of Boston.

It is Ordered and Enacted by this Court; That there be a Ward from Sun set on Saturday night, until nine of the Clock, or after, consisting of one of the Select men, or Constable of Boston, with two or more meet persons, who shall walk between the Fortification and the Town end, and upon no pretence whatsoever suffer any Cart to pass out of the Town after Sun set, nor any Footman, or Horseman without such good account of the necessity of his business, as may be to their satisfaction; And all persons attempting to ride or drive out of Town after sun set without such reasonable satisfaction given, shall be apprehended and brought before Authority, to be proceeded against as Sabbath breakers, and all other Towns are impowred to do the like as need shall be.

Order to prevent Sabbath-breaking.

T His Court having a sense of the great Ruines in Boston by Fire, and hazard still of the same by reason of the joyning and nearness of their buildings; for prevention of damage and loss thereby for future.

Do therefore Order and Enact; That henceforth no dwelling house in Boston shall be erected and set up, except of stone or brick, and covered with Slate or Tyle, on penalty of forfeiting double the value of such buildings, unless by allowance and liberty obtained otherwise from the Magistrates, Commissioners and Select men of Boston or major part of them; And further the Select men of Boston are hereby impowred to hear and determine all Controversies about proprieties, and rights of any person to build on the Land wherein now lately the housing hath been burnt down, allowing liberty of Appeal for any person grieved to the County Court.

New Buildings in Boston to be Stone or Brick.

Tything men
to be annually
chosen.

IT is Ordered by this Court and the Authority thereof. that henceforth the Select men of each Town take care that Tything men be Annually chosen in their severall precincts of their most prudent and discreet Inhabitants, and sworn to the faithful discharge of their trust (where no Magistrate or Commissioners are) before the Select men of the place, and the said Tything men are required diligently to inspect all houses licensed, or unlicensed, where they shall have notice, or have ground to suspect that any person or persons do spend their time or Estates by night or by day; in Tipling, gaming, or otherwise unprofitably, or do sell by retayle within doores or without strong drink, wiae, ale, Cider, Rhum, Brandy, Perry, Matheglin, &c. without license, and into said houses where such disorders shall by them be found, they may, and are hereby required and impowred to enter into and make search in their Cellars, or any other places within or about the same where they may suspect, or have notice, that wines, strong beer, Als, Cider, Perry, Matheglin, Rhum, Brandy, &c. are lodged; and in case they shall find any quantity of either, whereof the Owners do not give said Tything men a satisfactory account of their having the same, any three of them agreeing, they shall by Warrant from any Magistrate, or Commissioners invested with Magistratical power, or (where no Magistrate is within five miles of the place) they shall without Warrant requiring the aid of the Constable, seize, carry away, and secure all such wines, strong beer, Ale, Cider, Perry, Matheglin, Rhum, Brandy, &c. and present an Account thereof with the names of the persons from whom they took it to the next Magistrate, or Commissioner of the Town where any be that are invested with Magistratical power, who may, and are hereby impowred to proceed against said delinquent parties, and dispose of said wines, strong Beer, &c. as to them shall seem meet; and if for value more then ten pounds, they are then to bind said parties over to the County Court, to be there proceeded against as the Law directts. In all which Cases full recompence shall be made to the Tything-men, and other Officers for all their care, trouble & expences in searching and securing said goods, and the remainder of the Goods seized, or value thereof, where the Magistrate, County Court, or Commissioners Court, that have orderly Cognizance thereof, shall not see reason to return the same to the parties from whom it was taken, the same shall be put into the County Treasury.

Also the Tything-men are required diligently to inspect the manner of all disorderly persons, and where by more private admonitions they will not be reclaimed, they are from time to time to present their names to the next Magistrate, or Commissioner invested with Magistratical power, who shall proceed against them as the Law directts, as also they are in like manner to present the names of all single persons that live from publick Family Government, stubborn and disorderly Children and Servants, night-walkers, Tiplers, Sabbath breakers, by night or by day, and such persons that do hinder from the publick Worship of God on the Lords dayes, or whatsoever else contrary to the course or practice of any person or persons whatsoever tending to dishonour, irreverence, profaneness, and Atheism amongst us, whether by omission of Family Government, nurture, and religious duties, and instruction of Children and Servants, or idle, profligate, uncivil or rude practices of any sort, the names of all which persons with the fact whereof they are accused, and witnesses thereof, they shall present to the next Magistrate, or Commissioner, where any are in the said Town invested with Magistratical power who shall proceed against and punish all such misdemeanours by Fine, imprisonment, or binding over to the County Court as the Law directts.

WHereas you *A. B.* are chosen a Tything-man within the Town of *D.* for one year, until others be chosen and sworn in your room and stead, you do here swear by the living God that you will diligently endeavour, and to the utmost of your Ability perform and intend the duty of your place according to the particulars specified in the Laws peculiar to your Office, So help you God.

Tything Mens Oath.

It is hereby Ordered, that henceforth no Ordinary-keeper shall have any action or recover any debt that shall hereafter be made by any Inhabitant for any sort of drink, or Liquor sold to such Inhabitants, and that the said In-keeper besides the losing of his Debt shall upon Conviction before any Magistrate or persons Authorized in such a case forfeit the sum of *five shillings* in money to the County where the fact is committed for every such offence or Act.

Ordinary-keepers penalty.

THis Court being informed that many persons do not appear and attend Military Exercises in the places to which they did of long time belong, and being called upon for their defects, give Answer that they are removed, when indeed being young men, and unwilling to be confined to any certain place they move backward and forward, and so perform duty at no place.

Souldiers when and where to attend Military Service, &c.

Doth hereby Order and Enact, that when any person is entred and belongs to the Military Company in one Town, he shall not be at liberty, or escape duty in said place till he bring a Certificate from the chief Officer of the place to which he removed, to the chief Officer of the place from whence he removed that he is entred in their Lists and taken notice of as one of their own men, so that he may be in a way of duty; and until that time the remover to be l'yable to duty in his first place, and to satisfy by distress, or suits the demands of the Commander or Clark according to proportion of former Laws.

WHereas there is no declaration made by this Court what shall be taken for an Alarm in the day time, and by reason of the variety of occasions, the signals prescribed for a night Alarm would be full of uncertainties in the day, especially, to Neighbour Towns.

Order about Alarms.

It is Ordered, that besides the above said signs or some of them given in the place where the Alarm is first taken or made, there shall be a Messenger or Messengers sent to the neighbour Towns by the Committee of Militia, or some of them, and directed to the Committee of Militia, or some of them, whence Assistance is desired, who crying *A-m, Arm, &c.* shall be an Alarm to all such places, and thereupon all the Souldiers of that Town shall be bound immediately to repair to their Colours, and then attend further Orders sent by writing, or by word by a sufficient Messenger, and all this under the penalty of five pounds a man for every defect.

It is Ordered by this Court and the Authority thereof, that all Ships and Vessels above twelve Tuns, (except the Confederates of this Colony) that trade within our Ports, belonging to other places, or that the greater part of the Owners thereof are not Inhabitants of this Jurisdiction, shall pay one shilling in mony for every Tun of burden they are of, every Voyage they make hither; towards provisions for publick Fortifications, which is to be paid to Mr. Paul Dudley for the Ports of *Boston & Charls-Town.* Mr. Hilliard Veren, Sen. for the Ports of *Salem and Marble-head.* Mr. Richard Martin, for *Piscataqua,* or to whom they shall depute under their hands, and in case the Ship Master or Commander of any such Ships or Vessels shall refuse upon demands to pay the same, it shall be lawful for the said Gentlemen, or any one of them to send forth their Warrants to any Marshal or Constable to distrain for the same, with the charge thereof upon the Goods of such Master or Commander, or any one of the Appurtenances of their Vessels, and the Gentlemen above appointed shall be accountable to the General Court when called thereunto, for what they shall receive by virtue of this Order, and are to deliver the mony they have in their hands once every year, or oftner, unto the Surveyor General, excepting one

An Order for 12d per Tun of all Vessels above 12. Tun.

shilling out of every twenty shillings they shall receive, which shall be allowed them for defraying the necessary charges thereabouts, and the former Law of six pence *per Tun* is hereby repealed.

Constables to read the Laws of the Sabbath in all Towns.

IT is Ordered by this Court and Authority thereof, that the Law with respect to Ministers reading the Laws respecting the Sabbath once in the year publickly upon the Lords day be henceforth repealed.

It is further Ordered, that the Constable or Town Clerke of each Town perform the same upon some publick meeting of the Inhabitants.

UPon Complaint from several Committees of the Train Bands that their Drummers refuse to attend their duty, and will lay down their places, unless hired, and that too at unreasonable Rates.

Order about Drummers.

This Court doth therefore Order, and be it hereby Ordered and Enacted; That any Drummer now in place, or belonging to any of the Companies in this Jurisdiction that shall desert the said service, or lay down his place during his abode in the Town, unless regularly dismissed by the chief Officer or Officers of the Company, (or in case of just complaint) by the County Court, shall forfeit *forty shillings* in money to be levied by the Clerke by Warrant from the chief Officer of said Company, and for future it shall be in the power of the Commission Officers of each Company to nominate and chuse out of their own Company any meet person or persons to serve as a Drummer, and if any shall refuse to accept the place, and attend the Service, or desert the service, unless regularly dismissed as above, he shall pay *forty shillings* in money to the use of the Company, to be levied as above; And all Drummers so chosen and serving, shall be allowed *Ten shillings per Annum* in Case the Company find & maintain the Drum, or *Twenty shillings per Annum* if he maintain the Drum, which shall be delivered to him in good repair: all persons chosen Drummers aggrieved, have liberty to make their Complaint to the County Court for Relief.

Resolution of a Question.

WHether when a Case is committed to a Jury. they ought not to bring in their Verdict upon the merit of the Case without evading the issue upon any Circumstance in way of Barr, or Non-suit pleaded, if it be not allowed by the Judges of the Court at the time. This Question is resolved on the Affirmative.

Order about Weights and Measures.

AS an Addition to the Law Title Weights and Measures, This Court doth Order, that the Country Treasurer do provide upon the Country charges these further brass weights following, one seven pound weight, one fourteen pound, one twenty eight pound, and one fifty six pound, which shall be after sixteen Ounces to the pound, with fit Seales and Steel beam to weigh and try withal. And the Constable of every Town within this Jurisdiction, where such weights are frequently used, shall within six moneths after publication hereof, provide upon the Town charge all such weights, at least of Lead, to be tryed and sized by the Countreys standards, and sealed, kept, and used in the several Towns as Standards, and improved by the Select men and Constables as the Law directs for smaller Weights.



SEVERAL
Laws and Orders
 MADE AT A
GENERAL COURT

Held at Boston, February the 4th 1679.
 EDWARD RAWSON Secretary.

IT is Ordered by this Court and the Authority thereof, that for the future there shall be annually chosen according to our Charter, eighteen Assistants, besides the Governour and Deputy-Governour, in manner following, viz. The Constables of each Town shall give timely notice to, and warn their Freemen to meet upon the second Tuesday in April next, who being so met, shall put in their Votes for Governour, Deputy Governour, and twenty Assistants, with Major General, Secretary Treasurer and Commissioners of the united Colonies, all in distinct papers fairly written, the whole number of twenty for Assistants being to be put into one List, cut almost asunder betwixt each name, which Votes shall be received by the Deputyes chosen for the next General Court, or some other meet Person chosen by the Freemen where no Deputy is. and sealed up in the presence of the Freemen and the Deputyes, or other persons chosen for that end, are to bring the said Votes to Boston so sealed up, to the Court house by one of the clock on the Munday before the Election day, on the penalty of ten pounds for every Person that doth neglect so appearing; where in the presence of the Governour, Deputy Governour and Assistants, or so many of them as shall be then present, the Proxies shall be opened and sorted forthwith by the persons so appointed, and so kept distinct, sealed up and numbered, with the name of the Party on the backside with the number of Votes inclosed till Wednesday, when all the Freemen that have not Voted by Proxy are required to appear at the Court House in Boston aforesaid, by seven of the clock in the morning, to bring in their Votes for Elections of Governour, Deputy Governour, Assistants and other

Order for Nomination and Election of Governour, Assistants, & publick Officers.

Officers that are then to be chosen according to Charter, in Papers as aforesaid: all which Votes are to be sorted and numbred with the Proxies: And the Governour and Deputy Governour being chosen and proclaimed, the eighteen that have most Votes, are to be proclaimed Assistants for the Year ensuing, and other general Officers to be chosen as formerly. Also it is Ordered, that every Person admitted to be present as above, at the opening and numbring of the Votes, shall before they enter upon the said work, or be admitted to be present thereat, take their Oathes to deal truly in the trust committed to them as above said; this Law or Order to stand for this year only, as to the manner of Choice.

W Hereas you A. B. C. are appointed and entrusted for the opening the Proxies sent in by the Freemen, and receiving sorting and numbring the Votes for the choice of Governour, Deputy Governour, Assistants, and other publick Officers of this Jurisdiction, to be chosen on the Election day; You do now swear by the Name of Almighty God that you will deal truly and uprightly therein as also that you will not either directly or indirectly discover either the persons or number of Votes until the Election be ended, So help you God.

Oath to be administered to those that sort and number the Votes.

*The Governour and Company of the Massachusetts Bay in New-England.
To A. B. Captain.*

W Hereas you are appointed Captain of a Foot-Company for the Service of his Majesty in the Town of B. in the County of E. in the Colony of the *Massachusetts Bay* These are in his Majesties Name to Authorize & require you to take into your care & conduct the said Company, & diligently to intend that service by leading and exercising your interior Officers and Souldiers in peace and war, commanding them to obey you as their Captain, and you to observe and obey all such Orders and directions as from time to time you shall receive from your Major, or other Superior Officer, In Testimony whereof, &c.

Form of Military Officers Commission *mutatis mutandis*

I T is Ordered by this Court that every person legally chosen in any Town within this Jurisdiction to serve in the Office of a Tything man according to Law, and do refuse to take his Oath shall pay as a Fine to the Town *forty Shillings*, and another to be chosen in his room for that year, and so from time to time the same course is to be observed in all Towns. And further, It is Ordered, that the Constable of each Town from time to time shall Assist the Tything-men in the Execution of their Office, being thereunto desired by the said Tything men or any two of them.

Addition to the Law of Tything-men.

F I N I S.



SEVERAL

Laws and Orders

Made at the first Sessions of the

GENERAL COURT

FOR

ELECTIONS

Held at Boston, May 19th, 1680.

And published by their Order,

Edward Rawson Sec^r.

Courts Declaration as to Military Officers Commissions, & Precedency, &c.

AS an Explanation of the Order of this Court made in February last, respecting the Form of Military Officers Commissions, This Court doth declare, that that Order intends, not only all Commissions following, but also preceding the same. And it is hereby Ordered, That the Secretary doe issue out, when they shall be demanded, new Commissions to all former Officers in the said Form. And that the precedency of Captains goe and be according to their former Settlement.

The Law requiring Buildings to be Brick or Stone in Boston suspended for three years.

IN answer to the Petition of several of the Inhabitants of Boston, the Court considering the present inability of many Persons that have suffered great loss by the late Fire, to rebuild with Brick or Stone, Judgment it meet to suspend the executing and prosecuting the late Law Tit. *New Buildings in Boston to be Brick or Stone*, for the space of three years only, when it is to be in force, and all Persons are required then carefully to attend the same.

Measures.

It is Ordered by this Court and the Authority thereof, That henceforth the new Measures that are now come over from England by Mr. Roy shall be the Standard for this Colony of the Massachusetts, which said Measures are of Bell-mettal, the half bushel and the Peck for measuring of Corn, and other Grain, and Salt &c. And also one Quart, and one Pint for Beer or Ale, which are attested to by *Daniel Mason*, Keeper of Guild-Hall, of the City of London, Yeoman of the Chamber thereof, and Sizer and Scaler of the Weights and Measures, to be just and right according to the Statute for measuring called *Winchester Measure*: together with a Standard of Brass to Size a Yard and an Ell: And also one Gallon, one Quart and one Pint, being Wine Measures according to the custome of London; And that all half Bushels and Bushels shall be sized by this half Bushel, and all other Measures shall be sized by these other Measures before expressed: And that the Country Treasurer issue forth his Warrants forthwith to the Constable of every Town in this Colony, to bring in all the old Standards of the severall Towns, to whom the Treasurer shall order, to be sized by the new Measures now allowed and approved of by this Court, within one month after Publication hereof: And that henceforth it shall not be lawfull for any Person whatever, to buy or sell by any other Measures then what are allowed of, and sealed by or according to the above said Standard under the Penalty of five pounds to any Person that shall doe, the one half to the Informer, and the other half to the Town they belong to; and if any Town or Constable thereof shall neglect their duty herein in not bringing in their Standards to be sealed according to the time appointed, they shall pay as a Fine to the Country ten Pounds

*Standard for
Measures.*

And the new Seal for these measures shall be

M
N

F I N I S.



SEVERAL
LAWVS and ORDERS
Made at the second SESSIONS of
The General Court

Held at Boston, Octob. 13. 1680.

And Published by their Order.

Edward Rawson Secr.

IT is Ordered by this Court and the Authority thereof, That henceforth it shall not be lawfull for any Ship, Sloop, Ketch, or Vessel of more then twelve Tunns burthen to sail out of any Harbor or Port within this Colony, or entertain on board thereof any Passenger or Passengers, or any Servant or Negro, without the Permit of the Governour for the time being, or such as he shall appoint to that trust, on penalty of twenty pounds Fine to be paid by the Master or Skipper of said Ship, Ketch, Sloop or Vessel that shall be convicted of transgressing hereof, and shall be liable to satisfie double damages to any that shall be injured thereby, to be recovered by an A&ion of the Cafe.

No Masters of Vessels to carry servants &c. without Permit

THIS Court being informed of the great deficiency generally found among the Troopers, some in one kind some in others &c. and for prevention of future mistakes in the Law, Tit. Charges publick, wherein Troopers claim abatement as to their Persons and Horses being exempted;

It is Ordered by this Court and Authority thereof, That henceforth all Troopers (excepting only those who by the first Law Anno 1648. were allowed five shillings a man, and the abatement of their Head and Horse, which is only to be understood as to one single Country Rate) shall pay for their Heads and Horses to all publick Assessments as others does any Law, Custome or Usage to the contrary notwithstanding: Provided, that such as lifted themselves upon the account of that Priviledge hereby abated as to their head and horse only, shall have free liberty to dispose of their horses, and lift in the Foot-Company again.

Troopers Priviledge w^{ch}, &c.

Nomination &
Election of Ma-
gistrates, &c.

IT is Ordered by this Court and the Authority thereof, That there shall be annually chosen according to our Charter eighteen Assistants besides the Governour and Deputy Governour, in manner following. The Constables of each Town shall give timely notice unto, and warn their Freemen to meet upon the second Tuesday in March yearly, who shall then put in their Votes in distinct Papers for such Persons being Freemen, and resident in this Jurisdiction, whom they desire to have chosen for Magistrates or Assistants at the next Court of Election, not exceeding the number of twenty, & all in one Lyft clearly distinguished: & no Freeman shall put in above one Vote for one person under the penalty of ten pounds for every offence. And the said Freemen so met, or the major part of them, shall then and there appoint One to carry their Votes sealed up unto their Shire Town upon the last Wednesday in March, at twelve of the clock, which Persons for each Town so assembled shall appoint two of themselves as Commissioners for each Shire, *Hampshire* only excepted, to carry them unto *Boston* the second Tuesday in *April* at nine of the clock in the morning, there to be opened and perused in the presence of the Governour or Deputy Governour, or so many Magistrates as please to attend it, otherwise by those Persons that brought them, at the Townhouse in *Boston*, or such other place as the Commissioners for *Suffolk* shall appoint. And all Lifts that exceed twenty, or have one mans name more then once shall be thrown away, and those twenty six who have most Votes shall be the men (and they only) which shall be put to Vote at the Court of Election for Magistrates or Assistants as aforesaid; and the said Commissioners of each Shire shall forthwith signifie to the Constables of the several Towns within their County, in writing under their hands, the names of those twenty six persons aforesaid, with the number of Votes for each, which the Constable of each town shall signifie to their Freemen, and as any have more Votes then others, so shall they be nominated for Election, except such who were Magistrates heretofore, who shall have precedency of all others in Nomination on the Election day.

It is further Ordered, That the Constables of each Town shall call together their Freemen on the wednesday next before the Election day, from year to year, when and where such as please may put in their Proxies for Election, *viz.* of Governour, Deputy Governour, and all other publick Officers in distinct Papers as formerly, and for twenty Assistants to be chosen out of the twenty six persons in Nomination, by Indian Corn, which Proxies shall be sealed up with the name of the Person written on the paper, and delivered to the Deputy of the said Town, or some other meet Person chosen by the Freemen, who shall bring the same to *Boston* on the Election day, when and where all the Freemen who have not voted by Proxy are required to appear at the Court house by eight of the clock in the morning, to bring in their Votes as aforesaid; where the Votes of the Governour and Deputy Governour are first to be opened and sorted, and the chosen proclaimed, & then the Votes for the twenty six persons chosen by Corn to be opened and counted, and those eighteen who have most Votes are to be proclaimed Assistants for the year ensuing, and all other general Officers to be chosen as formerly. Moreover, all the Votes that are brought in for Nomination and Election shall be brought in by the person voting, or sent in by the Deputy or the Constable of the Town where such person dwelleth, or otherwise lose their Votes: And if any person betrusted in this Order shall fail in discharge of his trust, he shall forfeit ten pounds.

It is further Ordered, That the Commissioners of each County before they open their Votes, and so all that are admitted to receive in sort, and count the Votes on the day of Election, shall be under Oath as the last year.

This

THis Court being sensible, that Persons who belong to other Colonies or Plantations doe by their bringing into this Colony, or selling to the Inhabitants thereof their Neat Cattle, Sheep Horses and Swine, thereby filling up our Market, and incapacitating our own Inhabitants to sell what they breed and raise and pay Duties for, whereby much of our money is exported contrary to our Law, and no allowance is made to this Colony for such Cattel, Horses, Sheep, &c, for prevention whereof for the future,

It is Ordered by this Court and the Authority thereof, that henceforth for all Neat cattel, Horses, Sheep and Swine, which shall be brought into this Colony by any Inhabitant of the other Colonies, or by any of this Colony going forth and buying any or all of the said kinds above mentioned, the said Persons shall pay by way of Rate in money to the Treasurer of this Colony for the time being, or his Order, these following Rates, *viz.* for all sorts of Neat Cattel, Two Shillings and six pence *Per Head*; for Swine of all sorts, One Shilling *Per Head*; for all Sheep or Lambs, Six pence *Per Head*, and for all Horse kind, two Shillings six pence *Per Head*. And for the true and well effecting thereof, It is Ordered by the Authority aforesaid, That all sorts of Persons whether Vendor or Buyer of any or all the kinds above expressed, shall, & are hereby obliged to make entry of all or any of the said kinds at the first Town of this Colony through which they shall or may pass, on the penaltyes hereafter expressed, *viz.* for all sorts of Neat Cattel not so entered, forty Shillings *Per Head*; Horses twenty Shillings *Per Head*; Sheep and Lambs five Shillings *Per Head*; Swine ten Shillings *Per Head* in money as aforesaid. And it is further Ordered, That the Clerk of the Writts of every Town, or such whom the Treasurer of this Jurisdiction for the time being shall appoint in every Town, shall be the persons, and they only, for making of such Entries, and for receiving said Rates, all which Entries so made by any of the Persons so deputed, shall contain in them the number of each kind, a true Copy whereof they shall give out to Vendor or Buyer under their hands, of any or all of the said kind, which alone shall be their security in passing through any of the other Towns of this Colony, without being liable to seizure of any or all the said kinds by any person or persons whatsoever. And all persons authorized and empowered, whether Clerk of the writts, or any other whom the Treasurer of this Colony for the time being shall depute, shall make a true and just Entry of all such kind in a Book, and stand obliged upon his or their Oathes to make a true Return to the Treasurer of this Colony twice in the year; and all Fees for their Entry shall be three pence for an Entry, and three pence for a Copy, and paid by the Party, and twelve pence in the pound out of the money received: and that every Informer upon any defect therein, prosecuting to effect, shall have one third to himself, the rest to be to the Country. And this Law to be in force on the twentieth of *November* next.

Cattle Rated.

FOR explanation of the Law, *Tit. Cask, Cooper, Gauger, Packer*, The Law for Cask is to be understood of all Cask dry as well as liquid: and *London Assize* is to be understood, Butts, one hundred twenty six Gallons; Puncheons, eighty four Gallons; Hogheads, sixty three Gallons; Tertes, forty two Gallons; Barrels, thirty one and an half Gallons &c. And the inspection thereof shall be, and is hereby added unto the Gaugers Office of each Town, as he is and shall be from time to time under his Oath for the true performance of the same according to all the Particulars specified in the said Law.

Explanation of the Law Tit. Cask, Cooper, Gager &c.

IT is Ordered, That when any Clerk of the writts shall grant Attachment in a civil Action to any Plaintiff lying in Goal upon Execution for Debt, he shall require sufficient Security to answer the Defendants Costs, as in case of Strangers.

Direction for Clerks of the Writts.



At a Sessions of the
GENERAL COURT
Held at Boston the 4th of March
 1680.

W Herceas some Persons on misunderstanding of the Laws formerly made against selling Arms and Ammunition to Indians, have been ready to transgress in that matter, This Court therefore sees cause, and doe hereby revive that Law *Tit. Indians, Sect. 2.* strictly inhibiting all Persons from Giving, Selling, Bartering directly or indirectly, Guns, Powder, Shot, Lead, Arms or Ammunition to any Indian whatsoever, or mending or repairing Guns &c. as in said Law is expressed, on the pains and penaltyes therein contained, any Law, Custome or Usage to the contrary notwithstanding. Provided alwayes, that it shall be lawful for our Commissioners of the Colonyes. for the time being, by Note under their hands, to allow to our friend Indians, for necessary use, small quantityes, not exceeding half a pound of Powder to one man at one time, and proportionably Shot or Lead.

By the COURT, *Edward Rawson* Sect.



(87)

S E V E R A L
L A V V S and O R D E R S
Made at the Several
G E N E R A L C O U R T S
Held in Boston in the Years 1680, 1681,

And Published by their Order :

Edward Rawson Secretary.

MARCH 16. 1680.

IT is Ordered by this Court and the Authority thereof; That the late Law *Tithe* Troopers, made at the GENERAL COURT at their Sessions, 13th Octob. last, shall and is hereby Repealed.

MAY. 11. 1681.

THis Court taking into their consideration the Law *Tithe* Cattle rated in *Octob.* last, see cause to Repeal the same: And it is hereby Repealed to all Rates on Cattle Intents and Purposes so far as it relates to such as are in Confederation with us. *de Repealed*

U *Quest.*

Constables and Clerks, how to Collect Rates.

Courts resolve
to the Quest.
as to Constabl.
and Clerks to
collect Rates.

Quest. **VV** Hither Constables in Towns, and Clerks of the Trained Bands, and such like Officers as may be appointed to Collect Rates, or Fines, are not to Execute all Warrants from lawful Authority, for Levying of such Fines and Rates, if not committed to any former Officer, although due before such Constable, Clerk, or other Officer were sworn: The Court resolves this Question on the Affirmative.

Loaf-Bread Bakers.

OCTOBER. 12th. 1681.

IN Answer to the Complaint of the *Loaf-Bread Bakers*. It is Ordered by this Court, that the Freemen of the Town of *Boston*, and such other Towns as shall have any considerable use of the Bakers Trade; shall Annually, or otherwise as they shall judge best, make choice of three or more most Persons in their own Town, to inquire into the middle price of *Wheat*, how it is sold by quantities, and they or the major part of them in such Towns agreeing thereon, shall publish to all the Loaf-Bread Bakers, and Clerks of the Market in the Town, once every Month, or as often as they see cause, the middle price of *Wheat*: At which price the said Bakers shall bake their Bread for the following Moneth, or until a new price be declared: and that when the Clerks of the Market do meet with crusty and stale Bread they shall not take it away, as forfeited, except it want one sixteenth part of the .

Order regulat-
ing Loaf-
Bread Bakers,
and price of
Wheat.

Quest. **VV** Hither a Judgement granted by a County Court held by Adjournment where a stated Court hath intervened in the same County, though not in the same Town, be Legal: The Court resolves this Question on the Negative,

Courts resolve
as to the Que-
stion about
Judgement.

VV Hen an Obligation is put in Suit wherein persons stand bound joyntly and severally, and Judgement comes thereupon: all being named in the Procefs; though but one Attached: whicher Judgement ought not, according to the form of the Proceffe to be entred against all and either:

The Court Resolves this Question on the Negative: for that Execution ought not to go against any Person not Summoned to Answer.

When Judgement is granted against a Person, and he dieth before Execution be taken out; whither that Judgement do not stand in force against his Heirs, Executors, or Administrators & whosoever of them is answerable in Law, and Execution to be granted against such Executors or Administrators, &c. The Court resolves this Question on the Affirmative, and to prevent inconvenience or wrong to such estates, the person against whom the Execution comes shall have Liberty to review the same.

How Execu-
tion is to issue
out on a dead
mans Estate.

I N D I A N S.

It is Ordered by this Court and the Authority thereof; that all *Indians* that belong to this Jurisdiction except Apprentices or Covenant-Servants for years, are to live among, & under Government of the Indian Rulers of *Natick*, *Punkapang* or *Wamessit*, which are places allowed by this Court, and appropriated for the *Indians* to live in; where there is Land sufficient to improve for many Families more than are of them; and if any shall refuse to comply with this Order, It is referred to the Select men of every Town, by VVarrant under their hand, to send such *Indians* or *Inoians* to the House of Correction or Prison, until he or they engage to comply with this Order. Order to Regulate Indians

February 15. 1681.

FOR THE SATISFACTION OF
HIS MAJESTY

And the better Regulating of the NAVIGATION and TRADE
of this JURISDICTION.

And in Pursuance of a Law made *October the tenth* One thousand six hundred
seventy seven, Referring thereunto.

NAVAL OFFICE.

It is Ordered and Enacted by this Court and the Authority thereof, that the Act of Parliament made in the twelfth year of His *Majesties* Reign, Entituled an Act for encouraging and increasing of Shipping and Navigation; and the Act made in the fiveteenth year of His *Majesties* Reign, Entituled an Act for the encouragement of Trade, be forthwith Published in the Market Place in Boston, by beat of Drum; And that all Clauses in said Act Relating to this Plantation be strictly taken notice of, and observed, as said Acts Require.

It is further Ordered by the Authority aforesaid, that a Naval Office be forthwith Erected, and settled in the Town of *Boston*, for the Entering of Ships and other Vessels, Outward and Inward Bound, for the taking of Bonds, receiving and granting Certificates for their Clearing, according as in said Acts is directed: And all Commanders and Masters of Ships and other Vessels are required to take notice hereof, and to make the r Entries, to give Bonds and receive and produce Certificates in said Office as they are respectively Concerned, on the penalties in the aforesaid Acts of Parliament express. Naval Office Erected in Boston for Entering Bonds, receiving and granting Certificates

Provided

Provided, such Vessels as pass to and fro within our Harbours, or Rivers, shall not be Obligated to Enter, and give Bond as above said; nor such Vessels as pass from Port to Port on the Main Sea, on the Coast of New-England, Unless they take in for their own Stores, and Trade in some of His *Majesties* Colonies in New-England more then one Tun of each of the Commodities enumerated in said Acts.

And for the due Execution of said Office:

James Russel Esqr. It is Ordered, That *James Russel Esqr.* who was chosen by this Court, *January* the eleventh one thousand six hundred and eighty be the Officer, who shall have Commission under the hand of the Governour, or Secretary, and Seal of the Colony, and be Sworn by said Governour to the faithful Discharge of the same; which Officer so Authorized, shall keep fair Books of all Entries, Certificates and Bonds, which shall always be liable to the view of any Officer, or other Person that may inform of the breach of said Acts; or other Laws in pursuance thereof, or referring to the Trade of this Jurisdiction.

Benj. Gerrish Naval Officer of Salem. And for the greater ease of the Town of *Salem* and adjacent Ports, *Benjamin Gerrish* is appointed the Officer in the Town of *Salem*; who shall in like manner be Sworn, and shall make Entries, take Bonds, and receive and grant Certificates, as the said Officer in *Boston*, is obliged to do; & shall also once in six Moneths Return fair Copies of all Bonds by him taken, unto said Officer in *Boston*; who shall in like manner from time to time, once in six Moneths deliver fair Copies of all Bonds to the Governour: and shall receive for his Service referring to the Premises such Fees as by Law are allowed to Recorders and Clerks of County Courts.

His Fees as Clerks of County Co.

And for the Governours Signing a Certificate for their Clearing the Fee shall be *two shillings.*

Gov. Fee for signing a certificate.

It is further Ordered by the Authority aforesaid, that if any Person shall desire and obtain a Special Court for the Trial of any Case referring to the Premises; he shall give in usual Caution to respond all Costs, before Warrants be issued forth, to assemble said Court and Jury; and if any person be damaged by false Information, wrongful Searching, or seizing any Goods, Ship, or other Vessel, he may Recover the same by an Action of the Case, in any Court or Courts of Judicature, according to the usual course of Law.

And for the Encouragement of his Majesties Officer or Officers, and all Informers:

It is hereby Declared, That said Officer or Officers and Informers, shall from time to time be aided and assisted by all Marshals, Constables and other Officers, by Warrant from the Governour, Deputy Governour, or any Magistrate, in the prosecution of the breaches of said Acts of Trade and Navigation.

Naval Officers Oath

VV *Henceas you J. R. are Chosen Naval Officer for the several Ports of the Massachusetts Colony, and have received a Commission from the Governour and Company of said Colony for the Execution of that Office, You do Swear by the Great Name of the ever living God, that you will carefully and duely attend the Execution of the said Office, according to the tenour and true intent of your Commission, and the Laws of this Jurisdiction. So help you God.*

WEIGHTS.

IT is Ordered by this Court and the Authority thereof; that henceforth the new Brass Weights, that are lately come from *England*, and have been Sealed at the *Exchequer* in *Westminster* as appears by a writing testimonial under the hand of Mr. *John Low*, and Mr. *Nicholas Stuart* principal Officers there and Sealers of the said Office, are just and true *Averdupoise* VWeights, such as are used in *London*; divers of which are Bell-fashioned, viz. one fifty six pound, one twenty eight, one fourteen, one seven, one four one two, and one pound; the rest are flat VWeights, and are one half pound, one quarter, one eighth part, and one sixteenth, or Ounce; as also one half ounce, one quarter of an ounce, one eighth, and one sixteenth part of an Ounce, shall be the Standards for this Colony of *Massachusetts*; by which all other Weights are to be Sized: and that the Country Treasurer issue forth his VVarrants forthwith to the Constables of every Town in this Colony to provide at their Town charge all the abovesaid VWeights of Brass or Lead, by the tenth of *May* next; which are to be brought into the said Treasurer, or whom he shall appoint, to be Sized and Sealed by the aforesaid VWeights: and henceforth it shall not be lawful for any Person to buy or sell by any other weights, or Steelyards, but such as are Sealed by, and made agreeable with the aforesaid Standard: and the penalty of such as neglect, or act contrary to this Order shall be the same, and disposed of according to the Order of this Court, made in *May* 1680. *Title Measures.*

IT is Ordered by this Court and Authority thereof, that the 12th Section of the Capital Laws *title* Conspiracy. Rebellion: and the 18th Section of said Laws, *title* Rebellious Son, and also the Law referring to *Christ mals*, Page 57, 58. and the word (*Common-wealth*) where it imports Jurisdiction, is hereby Repealed; and the word *Jurisdiction*, is hereby inserted.

CONSPIRACY.

IF any Man Conspire and Attempt any Invasion, Infurrection, or Publick Rebellion against the *KINGS Majesty*, His Government here established, or shall endeavour to Surprize any Town or Towns, Fort or Forts therein, or shall treacherously and perfideously attempt the Alteration, and Subversion of our Frame of Polity or Government Fundamentally, he shall be put to Death.



F I N I S.



A T A
GENERAL COURT
Held at Boston; May 24th. 1682.

T*His Court taking into consideration the frequent Exportation of our New England Coyne out of the Country, whereby Commerce and Trade is very much Obstru'd; As an Expedient to keep Money in the Country:*

It is Ordered that all Pieces of Eight, as PILLAR, SEVIL, and MEXICO Coyne, that are good Silver, shall pass amongst us as currant Money of New England according to their weight in the present New-England Coyne.

By the Court,

Edward Rawson Secr.



SEVERAL
LAWVS

Made at the second SESSION of the
GENERAL COURT

Held at Boston, October 11. 1682.

And Printed by their Order,
Edward Rawson Sec^r

FOR the Prevention of great Trouble and Inconvenience that often befalls Masters and Commanders of Ships and other Vessels by reason of their Men running themselves into Debt to several Persons in the Ports where they arrive, and not being able to Discharge their said Debts, are restrained or imprisoned for the same, to the great hindrance and prejudice of the Commanders and Owners of such Ship or Vessel:

It is Therefore Ordered and Enacted that after the Publication hereof, no person whatsoever do Trust or give Credit to any Mariner or Seaman belonging to any Ship or other Vessel, arriving from foreign parts, without the knowledge and consent of their Master or Commander: nor shall any Process or Attachment be granted against any Seaman or Mariner for Debts and Engagements made as aforesaid: And if through any carelessness, or mistake in any Officer, any such Process or Attachment be granted, it shall be esteemed void in Law

no credit to be given to Mariners without consent of their Master or Commander.

No Attachment against Ships or Masters arriving from foreign parts; nor to a Stranger against a Stranger, before Caution.

AS an Addition to the Law, Title Attachments:

It is Ordered by this Court and the Authority thereof, that after the Publication hereof, no Stranger shall have any Proceſs or Attachment granted againſt a Stranger before the Plaintiff give in ſufficient Caution or Security to Reſpond all Coſts & Damages that ſhall be judged againſt him; nor ſhall any Ship or other Veſſel arriving from foreign parts; or the Maſter or Commander thereof be Arreſted or Reſtrained without the like ſufficient Caution or Security given by the Plaintiff to Reſpond all Coſts and Damages as aforeſaid.

VV Hether the Conſtable of a Town ſo which any Peculiar is Annexed for the Payment of Publick Charges, may Act as a Conſtable in ſuch Peculiar, as he may in ſaid Town? The Court Reſolves this Queſtion in the Affirmative.

VV Hereas there are in ſundry of our Towns, and eſpecially in *Boston*, many Idle Perſons in Families as well as other ſingle perſons, who are greatly, if not altogether negligent in their particular Callings: and ſome that do not follow any lawful Employment for a Livelihood; but miſpend their Time and that little which they earn, ſo the Impoveriſhing, if not utter undoing of themſelves and Families: For Prevention whereof;

Law for Regulating Idle Perſons.

It is Ordered by this Court and the Authority thereof, that the Tithing men in each Town ſhall Inſpect all ſuch Families and Perſons, and ſpeedily return their Names to the Select men of the Town where they dwell, who ſhall forthwith return them to the next Magiſtrate: and (if in *Boston*) to any of the Magiſtrates or Commiſſioners there, who are hereby Impowred to iſſue out Warrantes to the Conſtable of the reſpective Town, to require ſuch Perſon or Family to work in or about any Employment they are capable of in the Town or Place where they reſide: And if they reſuſe to be Regulated as aforeſaid, then to be ſent by ſaid Authority to the Houſe of Correction, and there received according to the Orders of that Houſe, and kept to work: And that ſuch Perſons and Families may be provided for, It is Ordered that all their clear Earnings ſhall (by ſaid Select men, or their Order) be laid out in Neceſſaries ſuitable for them or their Families Uſe and Relief; and that their Wages ſhall from time to time be ſtated by ſaid Select men: And if any perſon or perſons ſhall think themſelves wronged thereby, they may complain to the County Court for their Relief.

At what Rate pieces of Eight to paſs.

THIS Court on 24th. of *May* laſt taking into Conſideration; the frequent Exportation of our *New-England* Coyn out of the Countrey, whereby Commerce and Trade is very much obſtruded; As an Expedient to keep Money in the Countrey, did Order that all pieces of Eight, as *Pillar*, *Sevil* and *Mexico* Coyn, that are good Silver, ſhould paſs amongſt us as Currant Money of *New-England*, according to their weight in the preſent *New-England* Coyn: As an Explanation of that Law: it is to be underſtood, and it his hereby Declared that thoſe pieces of Eight in the Law mentioned ſhall be paid & received at ſix ſhillings eight pence per Ounce, *Troy weight*: and all ſmaller pieces of the like Coyn that are good ſilver, ſhall paſs at the ſame price and weight.

This

THis Court being informed by the Right Honorable the Earl of Frontenac Governour of Canada, and Monsieur de la Valier Governour of Accadie, that several of the Inhabitants of this Colony, have committed Irregularities, in their Trading, making of Fish, and fetching of Coals within the Territories belonging to the French; contrary to the Treaty and Ratification of the Articles of Peace Concluded at Breda, between the Crowns of England and France: For the Prevention of the like Practice for the future, and the preservation of a good Correspondence between our Neighbours of Canada and Accadie above mentioned, and our selves:

Courts Declaration against Inhabitants Trading in the Precincts of Canada or Accadie without License.

It is hereby Declared, that this Court doth not Allow and Approve of any such Irregularities, and that all persons so offending are liable to the Penalties and Forfeitures Provided against them by the Laws of those Governments where such Offences shall be committed.

AS an Addition to former Laws about Swine:

It is Ordered by this Court and the Authority thereof, that all Swine going at liberty shall be constantly Ringed sufficiently to prevent their Rootings, upon the Penalty of six pence on every Swine, in Money to be paid as a fine; the one half to the use of the Town where such Swine do Root, the other half to the Informer, to be Levyed by Warrant from the Select men; besides all Damages done in Commons or Proprieties, Fenced or not Fenced, any Law, Usage or Custome to the contrary notwithstanding.

Swine to be Ringed on penalty.

IN Case of Damage of Goods in Board of any Ship or other Vessel Arriving here, where there is any need of Surveying as is usually practised:

It is hereby Ordered and Enacted, that there shall be suitable Persons appointed in the several Sea-port Towns of this Jurisdiction, as Surveyors, who shall be Sworn to the faithful discharge of that Trust, And be called as often as there is occasion to view such Goods as are damaged, before they be unstowed, or any two of them, who are to make a Return under their hands to the persons concerned, if they desire it: who are to be satisfied by the Master of the said Ship or Vessel that employes them: and the Persons appointed to perform this Trust in the several Towns, are, for Boston, Mr. Christopher Clark, Mr. John Fairweather, Mr. Timothy Prout Senior; for Charlestown, Capt. John Long, Mr. John Tremble, Mr. Elias Row; for Salem, Mr. John Brown, Mr. John Hardy Senior, Capt. Richard More; for Marblehead, Capt. Samuel Ward, Ambrose Gale, Richard Reist, and for Newbury— And the Persons to be appointed for this Service be chosen from time to time yearly by the Inhabitants of such Towns as aforesaid, who have liberty to make choice of other Officers.

Goods Damaged to be Surveyed by, &c.

This

Lands or
Grants to be
Surveyed on-
ly by Survey-
ers on Oath.

This Court doth Order, that no Countrey Grants of Land shall henceforth be laid out, but by some known able, and approved Person whom this Court shall appoint, who shall be upon Oath to A&C faithfully in that work, and make Return under their hands of all such Land laid out by them, with the Quantity, in a fair Draught or Plat, together with the Quality as near as they can: In pursuance of this Order, This Court appoints and allows of Capt. *Elisha Hutchinzen*, Mr. *Jonathan Danforth*, Mr. *John Flint*, Mr. *Samuel Andrews*, Mr. *David Fisk*, Mr. *William Carr*, Mr. *Joseph Hawley*, and Mr. *Samuel Marbbfeld* to be Surveyors, any one of them to lay out such Countrey Lands as any person have had, or shall have Grants from this Court. And the said persons shall take this following Oath at some County Court before they act in Surveying any such Land.

Surveyors
Oath.

YOU Swear by the Great Name of the Everliving God, that you will faithfully and impartially, according to the best of your skill, Survey and Measure such Grants of Land that are made by the General Court to any Person or Persons within this Jurisdiction; and present a fair Draught and Plat of such Land to this Court; therewith certifying the Quality, as near as you can understand it, as well as the Quantity of such Land, all which you shall make Return of to this Court under your hands
So help you God.

Coun. Courts
power to im-
power Heirs,
Executors and
Administra-
tors to make
Deed of Sale
&c,

Whereas it often falls out, that Men make Bargains and Sales of Land, and sometimes receive part or all the pay for the same before the Deeds of Sale are perfected according to Law; the Grantees confiding in the fidelity of the Person that sells; and after that, the Grantor dies.

It is hereby Ordered and Enacted, that it shall be lawful and in the power of the County Court where the Land lies (the Bargain being legally proved to the satisfaction of the Court) to empower the next Heir, or Executor, or Administrator to the Estate, to Draw and Sign Deeds of Sale for the same.

IT is Ordered by this Court and the Authority thereof, that all In-
formers of the breach of Law by Unlicensed person or persons whatsoever, to any Court, making proof thereof, shall henceforth have one clear Third part of the Fine imposed and Received for such Breach.



A N
ORDER

FOR REGULATING CONSTABLES PAYMENTS,

And for the Rating of Unimproved Lands; and Relating to
 Troopers, Made at the second Session of the

GENERAL COURT

Held at *BOSTON*, *Octob. 11.* 1682.

Edward Rawson Secr'

VV *Hereas it is informed, that several Constables have
 not made up their Accompts with the Treasurer; and
 that there is much of the last Years Rates yet
 unpaid:*

This Court doth Order, that what is so unpaid, be paid in according to the valuation of all sorts of Corn made this present Court.

IT Appearing a Grievance among us that sundry Gentlemen, Merchants and others, having great Tracts of Land, bounded out to them in Propriety, pay not to Publick Charges; although they have a considerable profit to themselves by the continual Rise of the estimate of said Lands: For the Easing whereof;

It is Ordered by this Court, that all Lands circumstanced as is above premised, shall in the Levy now to be made by this present Court, for payment of the Countrey Debts, pay unto the Treasurer of the Countrey two shillings Money for every hundred Acres: and in like proportion for lesser quantities.

And it is Ordered, that the Select men of every Town and Peculiar within this Jurisdiction, sometime in the Month of *November* next, shall Assess all Lands within their Town bounds, liable to be Rated by this Order; And also to Assess all Countrey Grants of Lands called Farms, belonging to peculiar persons that lie nearest unto such Town or Towns; and to draw up fair Lists of the said Assessments, with the Names of the persons, and Quantities of Lands Assessed, and Deliver the said Lists to the Commissioners chosen to examine this years Rates, who are required to meet at the Shire Town, the second *Tuesday* of *December* next, who are ordered carefully to examine the said Lists and Assessments, and transmit the same with all speed to the Treasurer of the Countrey being perfected and subscribed with their Names: And the Treasurer is required to Issue forth his Warrants to the Constables of the several Towns, to Collect for such Lands as lie in their Bounds; and to the Marshal General, or Marshal of the County, to Collect for such Lands as lie not in any Town Bounds; who shall Collect the same, and return it to the Treasurer as the Law directs.

And it is further Ordered, that the said Commissioners give in to the Treasurer the number of the Troopers in their respective Towns, and he to grant out Warrants to the Select Men to assess, and the Constables to Collect what may arise to be due to the Countrey upon the Duplication of Rates, for this present year.

And for the better effecting of this Order about the Rating of Unimproved Lands.

It is Ordered by this Court, that the Major General, Captain *Fisher*, Captain *Elisha Hutchinson*, and Lieut. *Jonathan Danforth*, together with the Secretary, be a Committee forthwith to examine the Court Records and Returns of all Grants of Farms and Out-lands, laid out without the Bounds of any Townships; who are Ordered and Desired to make a List of all Out lands they can by any means gain the knowledge of, as to the quantity of the same, and to whom at present they do belong, and where they do lye: and to transmit the same Lists unto the Countrey Treasurer, that they may be added to, and compared with the several Counties Lists, that so no Lands may be omitted, or twice Entred. Major *John Pyncheon*, and Lieut. *John Smith* in *Hampshire*, are appointed to do the like, and make like Certificate:

And that the Treasurer forthwith send forth his Warrants to the Select Men of each Town accordingly.



SEVERAL
LAVVS
 MADE AT THE
General Court

Called and Held at *BOSTON* on the seventh of *February*, and
 Continued by *Adjournment* to the thirty first of *March* 1683.

And by their *ORDER* Printed and Published;

By *Edward Rawson* Secretary.

W Hereas by the Law, title Mines; It is Provided that the fifth part of Gold and Silver Ore, which is found in this Colony, shall be paid to the Kings Majesty, his Heirs and Successors: and there being Rumors of such Mines found in this Jurisdiction;

It is therefore Ordered by this Court and Authority thereof, that some more Persons be appointed from time to time by this Court to make Enquiry after such Mines, and do their uttermost endeavour: that a fifth part of the said Ore be reserved for His Majesty, and that they take care that His Majesty may have his just due for the same, both in quantity and quality: And it is further Ordered, that if any Person or Persons shall make Discovery of any Royal Mine or Mines,

Law to prevent all deceit by opening of Mines, &c. that His Majesty may have his due, &c.

of Gold or Silver, and shall Improve said Mine or any part of it to his own use and benefit before he hath given Account and Information to the Officer that shall be appointed as aforesaid, the Person so transgressing shall forfeit the treble value thereof, and shall be fined ten pounds for one Offence. And Mr. *Jeremiah Dummer* is Appointed to be the Officer till this Court take further Order.

As an Addition to the LAW title NAVAL OFFICE.

IT is Ordered that the Port of *Boston*, to which *Charlstown* is annexed, and the Port of *Salem*, to which *Marble-head*, *Beverly*, *Glocester*, *Ipswich*, *Rowley*, *Newbury* & *Salisbury* are annexed as Members: are and shall be the lawful Ports in this Colony, where all Ships & other Vessels shall Lade or Unlade any of the Plantations enumerated Goods, or other Goods from foreign parts, and no where else, on penalty of the Confiscation of such Ship or Vessel, with her Goods, Tackle, &c. as shall Lade or Unlade elsewhere.

Addition to
the Law title
Naval Office.

II. That no Ship or other Vessel Arriving from Forreign parts, shall break Bulk before Entry with the Governour and Naval Officer if they come into the Port of *Boston*, and in all other Ports not before Entry with the Naval Officer, on penalty of Confiscation of Ship and Goods, and when the Masters of said Ships or Vessels are not Inhabitants in this Colony, then into whatsoever Port they Arrive, their Entry shall be made with the Governour and Naval Officer that belongs to the Port where they Trade.

III. That no Ship or other Vessel shall Lade or Unlade any part of their Cargo in the night season, that is not of the growth of this Countrey, unless it be in case of necessity, and then notice to be given to His Majesties Officer upon the place, if any be there, on penalty of Confiscation of said Goods.

IV. That no Ship or other Vessel shall take on Board any of the enumerated Plantation Commodities more then their Ships Store, before they have given Bond, or shew a Certificate that they have already given Bond, as the Act of Parliament requires, on penalty of Confiscation of such Ship and Goods, unless they be such as pass from Port to Port of our own Jurisdiction; who are then to have a Permit signed by the Naval Officer.

V. And for the Information and Satisfaction of all persons concerned: It is hereby Declared, that His Majesties Officer hath power to sieze any Ship or Vessel he judges forfeited to His Majesty in order to her Trial, and that he hath liberty to search all Vessels that are outward Bound, and to put Waiters on Board all Ships inward Bonnd.

VI. And that the time of Entring and Clearing at the Naval Office be betwixt the hours of ten and twelve, in the Forenoon, and two and four in the Afternoon.

VII. That no Vessel of twenty Tonnes and upward, except such

as fetch Wood, Board, Stones or Lumber, shall pass the Castle without a Let pass from the Governour for the time being, if resident in Boston, and in his absence from the Deputy Governour, on penalty of twenty Pounds.

As an Addition unto, and Explanation of the Law title Shipping, Page 141.

It is Ordered by this Court and Authority thereof, that no person shall Trade with any Ship -- Vessel Arriving on our Coast. until they are brought to Anchor in one of the Ports assigned and appointed in the Law title an Addition to the Laws title Naval Office, on penalty and forfeiture provided in the said Law title Shipping.

persons penal-
to Trade with
Ships on the
Coast before
come into the
Harbour.

IT is Ordered by this Court and the Authority thereof, that the Law made October 15th. 1673. Intituled as an Addition to the Law title Freemen, Section the third is hereby Repealed.

Law in Page
73. as to Free-
men Repealed

THis Court being informed that there are several Commission Officers in this Jurisdiction that have not their Commissions according to Law.

It is therefore Ordered by this Court, that each Clark belonging to the several Military Companies in this Colony, shall within one Moneth after the publication hereof, repair to the Secretary, and take out such Commissions as shall be wanting, and them to deliver to each Commission Officer belonging to their own Company, as they shall be directed; And so from time to time within one Moneth after any Commission Officer is Chosen and Appointed by this Court: And if any Clerk shall neglect his Duty herein, he shall forfeit the sum of twenty shillings to the use of the Company.

Commissions
to Military Of-
ficers to be ta-
ken out by the
Clerks of
Companies
within one
Moneth, &c.

FINIS



A T A

General Court

Held at BOSTON May. 16. 1683.

This Court Considering that Cattle are Rated to the Countrey
at a greater value than they will yield from Man to Man :

Doth therefore Order, that henceforth all Neat Cattle shall
be Rated to the Countrey, *viz.* Oxen at four years old and a-
bove, at three pounds a piece ; all Cows, and Steers at three years
and above, at forty shillings a piece ; and all of two years old, at
thirty shillings a piece ; and Yearlings, at fifteen shillings a piece ;
and Swine at a year old, at ten shillings.

By the COURT

Edward Rawson Secr't



S E V E R A L
L A W S
 MADE AT THE SECOND SESSIONS OF THE
General Court

*Held at BOSTON October 10. 1683. And
 Published by their Order :*

Edward Rawson Secr.

*Law as Pub-
 lick Charges
 Repealed
 from June 10
 1684*

IT is Ordered by this Court and the Authority thereof,
 That all the Laws under the Head or Title of Imposts;
 Impost on Wine & strong Liquors; Impost upon all goods
 & Provisions, with any Explanation or Addition made
 thereunto ; and the Law Title Publick Charges, Section
 the third, referring to the Treasurer, issuing out Warrants to
 the Constables, for Collecting of Assesments yearly, shall
 be and remain in force for the present Year, and until the
 tenth day of June, which will be in the Year *Sixteen hun-
 dred eighty and four*, and for no longer time; Any Law
 Usage or Custome to the contrary notwithstanding.

As an Addition to the Law Title Schools :

This Court doth Order and Enact; That every Town conſiſting of more than five hundred Families or Houſholders, ſhall ſet up, and maintain two Grammar Schools, and two Writing Schools; the Maſters whereof ſhall be fit and able to Inſtrud Youth, as ſaid Law directs.

Addition to the Law for Schools both Grammar & Writing, &c

And whereas the ſaid Law makes the Penalty for ſuch Towns as provide not Schools as the Law directs, to pay to the next School ten pounds :

This Court hereby Enacts, that the Penalty ſhall be twenty pounds where there are two hundred Families or Houſholders.

As an Addition to the Law Title Inkeepers ; Whereas the Law Section 3d. Impoſes a Fine of five ſhillings on the Licensed Perſons that are the breakers of that Law ;

This Court doth Order, that the Penalty for the Breach of that Law ſhall henceforth be forty ſhillings.

For the Prevention of Deceit and Couſenage by Perſons being taken by Execution, or delivering themſelves over as Servants unto any, thereby to prevent their Creditors taking hold on them.

It is Ordered and Enacted by this Court and the Authority thereof, that henceforth no Perſon or Perſons ſhall be taken or delivered over by Execution. or ſhall deliver up themſelves to any one or more of their Creditors in way of Service for ſatisfaction of any Debt or Debts, owing by him or them, unleſs it be with the knowledge and approbation of the Court of that County where ſuch Debtor or Creditor dwell, that they may receive ſatisfaction in the juſtneſs of the Debt, and likewise ſet the time that the Debtor ſhall ſerve ; and that it may be publickly Declared that he is a Servant :

Provided this Order ſhall not be Interpreted ſo as to obſtruct the legal Procedure of any other Creditors, againſt any Perſon ſo diſpoſed to Service, either formerly or hereafter.

F I N I S.



A T A SPECIAL

General Court

Held at BOSTON *Novemb. 7. 1683.*

T*His Court being sensible of the great Ruines in Boston by Fire, at sundry times, and hazard still of the same, by reason of the joyning and nearness of the Buildings : For the prevention of Damage and loss thereby for the future ;*

Do Order and Enact, That henceforth no Dwelling-house, Warehouse, Shop, Barn, Stable, or any other Housing, shall be Erected and set up in *Boston*, except of Stone, or Brick, and covered with Slate or Tyle ; on penalty of forfeiting one hundred pounds in Money to the use of the said Town for every House built otherwise, unless by allowance and liberty obtained from this Court, from time to time ; And the Constables, and Grand-jury-men of the said Town, are to take care for the Execution of this Order, and present the breach thereof to the County Court of *Suffolk*, that persons transgressing, may be proceeded with accordingly : And further, the Select Men of *Boston* are hereby Impowred to hear and Determine all Controversies relating to the Boundaries of the Lands of such Persons whose Houses have been burnt down in the late Fires, and liberty of Appeal to the County Court being allowed to any person agrieved. And the Law Title *New Buildings in Boston*, made *Octob. 15. 1679.* is hereby Repealed respecting Buildings to be Erected.

By the Court *EDWARD RAWSON* Secr.



A T A

General Court

ON ADJOURNMENT, *Held at* BOSTON

Feb. 13 168 $\frac{3}{4}$

T*hat for Incouragement to Build in Boston with Brick and Stone according to a Law made the last Session ; As an Addition to the said Law :*

It is Ordered and Enacted, that whosoever shall so Build, shall have liberty to set half his Partition-Wall in his Neighbours Ground, leaving Jaggies in the Corners of such Walls, for the Neighbours to Adjoyn their Building to ; And that when the same shall be Built unto, the Neighbour Adjoyning shall pay for half the Wall so far as he shall Adjoyn : And in case of Difference, that the Select Men have power to appoint Persons to make Valuation, or lay out the Line between such Neighbours.

By the COURT, *Edward Rawson* Secr't.



S E V E R A L
L A W S and O R D E R S

Made by the

General Court,

Held at Boston the 7th of May, 1684.

Imposts on
Wine & strong
Liquors in
force till June
10. 1685

IT is Ordered by this Court and the Authority thereof, that the Laws *title* Imposts, and Impost on Wine and strong Liquors, with the Explanations and Additions made also thereunto, shall be and remain in full force from the tenth day of June next ensuing, until the tenth day of June, which will be in the year one thousand six hundred eighty and five.

Nuisances to
be removed
within twelve
hours on pe-
nalty.

THere being Complaint made of great inconvenience by reason of Filth and Dirt cast into the Streets of Boston and other Towns, and of the neglect of Butchers to cleanse their Slaughter-houses and Yards of Blood and other Filth; although such Houses and Yards are situate near Streets and Lanes much frequented:

This Court doth Order and Enact, that all Persons so offending shall forfeit twenty shillings to the use of the Town

except such Annoyance be removed within twelve hours after Complaint thereof made to lawful Authority.

WHether Executions upon Judgments, ought not to be issued forth according to the form of Process upon which said Judgments are founded, *viz.* against the Goods and for want thereof the Person; the Court resolves this Question on the Affirmative, as to personal Debts.

How Executions are to issue forth

IN Answer to the Petition of Major *Robert Pike*; It is Ordered by this Court, that Major *Pike* be allowed to Lyst so many Men for Troopers out of the three foot Companies of *Haveril*, *Salisbury* and *Amesbury*, in proportion to the number of the said Company, as to make his Troop forty eight men besides Officers; Provided this Troop be under the Command of Major *Robert Pike* for their Captain; and Major *Pike* is ordered to present to the next Sessions of this Court the names of other Commission Officers to compleat the said Troop.

And in Lysting the said Addition out of the Foot Companies; This Court doth dispense with qualification of the persons in point of estate paying in the Country Rate, Provided they be otherwise qualified with ability of body and sufficient Horse and Armes.

WHither it be not expedient for this General Court to apply for a Seal for the Publick Notary of this Colony, that so Writings Signed and Pas'd by him may find the more credit in foreign parts.

In Answer to this Quere, the Court thinks fit, that a Buck with this Circumscription SIGIL. NOTAR. PUB. MASSACHUSET. be the Seal for the Office of the Notary Publick; and do accordingly Order the engraving the same in Silver at the Countries Charge.

Publick Notary Se

IT is Ordered that *Benjamin Gerrish* be the Officer for *Salem* and the Ports annexed, instead of the late *Mr. Hilliard Veren*, to demand and receive the Powder Money of all Masters of Ships and other Vessels, according to their respective Burdens, the said *Gerrish* giving an Account to the Surveyor General yearly or oftener as the Law directs.

IT is Ordered, that *Nathaniel Clark* of *Newbury* be the Naval Officer for the Ports of *Newbury* and *Salisbury*.



A T A

General Court

Called by the Honourable GOVERNOUR on His Receipt of His MAJESTIES Letter, to sit in *Boston*, *July the 9th. 1684.* When they Sate there was Made and Passed the Law and Order following ; And by their Order Printed :

By the Court *Edward Rawson* Secr.

THis Court being Informed that great Disorders and Depredations have been committed by several of His Majesties Subjects, to the great damage and prejudice of His Majesties Allies, and contrary to Treaties of Peace, & that good Correspondence which ought to be maintained between Christian Princes and States, and that several Persons contrary to their Duty and good Allegiance have and do go from this Colony into forreign Princes Services, and Sail under their Commissions; For the prevention whereof:

It is Ordered and Enacted by this Court and the Authority thereof, that from and after the Publication hereof, it shall not be lawful for any person that now doth, or hereafter shall inhabit, come in or belong to this Colony to serve in *America* in any Hostile manner under any Forreign Prince, State or Potentate, or any imployed under them against any other Forreign Prince, State or Potentate in Amity with

A a

His

His Majesty, without special Licence or Commission first had from His Majesty, or the Governour and Company of this Colony under the Colonies Seal, or some of His Majesties Governours or other lawful Authority under him elsewhere, for their so doing; And that all and every such Offender or Offenders being duly convicted, shall suffer the pains of Death:

Provided nevertheless, that this Act, nor any thing therein contained; shall extend to any person or persons which now are, or have been in the Service or Employment of any Forreign Prince, State or Potentate whatsoever, that shall return to this Colony, and leave and desert such Service and Employment before the 25th. day of March next ensuing.

And be it further Enacted by the Authority aforesaid, that all and every person or persons that shall any way knowingly Entertain, Harbour, Counsel, Trade, or hold any Correspondence by Letter or otherwise with any person or persons that shall be deemed and adjudged to be *Privateers, Pirates* or other Offenders within the constructions of this Act, and that shall not readily endeavour to the best of his or their power, to Apprehend, or cause to be Apprehended: such Offender or Offenders, shall be liable to be prosecuted as Accessaries and Confederates, and suffer such Pains and Penalties as by Law is in such case provided.

And be it further Enacted by the Authority aforesaid, that the chief Commission Officer then present upon the place in any Town or Harbour where there is no Magistrate or other person invested with like Authority residing and at hand, are hereby in their several precincts within this Colony required and impowred upon his or their knowledge or information given, that any *Privateers, Pirates* or other persons suspected, to be upon any such unlawful designs, to grant Warrants to the Constables of the place, to Apprehend and Sieze every such person or persons, and if need be shall assist the Constable, and raise and Leavy such a number of well-armed men as he or they shall think meet for the siezing and apprehending of every such person or persons, and carrying them before the Governour or some of the Magistrates to be further examined, and proceeded against as the Law directs.

And in case of any resistance or refusal to yield Obedience to such Authority and Seizure, it shall be lawful to kill or destroy such person or persons and all and every person that shall oppose or resist by striking or firing upon the Officers, or any that are by him commanded for his aid and assistance, shall be deemed, taken and adjudged Capital Offenders, and be put to death; and every such Officer that shall omit or neglect his duty therein, being legally convicted within three months after such his neglect shall forfeit fifty pounds in currant Money of this Colony for every such offence for the use of this Colony.

And every person or persons that upon Orders given him or them shall refuse to repair immediately with his or their Arms well fixed, and

Amunition to such place or places as shall be appointed by the said Officer, and not readily obey his Command in the Execution of the premises, shall be liable to pay a fine of five pounds in Money, or suffer such Corporal Punishment as the Magistrate or County Court that shall have cognizance thereof shall determine.

IN *Answer to the Petition of several Taverners and In-keepers Licensed, This Court for the encouragement of the Petitioners and others Licensed as the Law directs, for keeping Houses of publick Entertainment; and for their security against the great injuries to them sustained by the irregular Practises of all unlicensed persons;*

Do Order, that all Tything-men, Grand-jury-men and Constables in their respective places, diligently inspect all disordered Houses that do contrary to Law Retail Wine, Ale, Beer, Cider, Liquors, &c. without Licence, and to prosecute the wholesome Laws made against all such Disorders: And do further Order, that one Complaint made by any Licensed person against any that are unlicensed, for transgressing in that kind, before any Magistrate or County Court, and being legally convicted thereof, every such Complainant shall have for his Recompence the one moiety or half part of the fine or fines imposed upon such Delinquents.

F I N I S.



S E V E R A L
L A W V V S
 M A D E A T T H E
General Court

Called to Sit, and Held at *Boston*, *Sept.* 10th 1684
 And Published by their Order,

Edward Rawson Secr.

W Hereas it is found by Experience that the Provision made by the Law tit. Jury's May 1672. for relief in case of apparent Corruption or Error in the Jury's giving in their Verdict contrary to Law and Evidence is perverted to the burthens of the Country with unreasonable trouble, the great wrong of Parties concerned with unjust reflections made thereby upon the Jury s.

It is Ordered by this Court and Authority thereof; that in all Attaints before the Entry or Allowance thereof, that the party Attainting shall give in writing under his hand for what cause, and shew how the same doth appear so to be. And in case upon a due
 B b
 Trial

Addition to
 the Law of
 Attaints-

Party at
 tainting to
 give in writ
 ting the
 cause of At
 tainting be
 fore it be
 allowed.

Fine to the
Country 10. li.
In case, and to
the former Ju-
ry 40s: a
peice
And also dou-
ble Costs and
Interest to the
Party, &c: in
case.

Trial as the Law provides, the Verdict of the former Jury be confirmed; such party so Attainting shall pay to the Countrey as a Fine for unnecessary trouble to the Court *ten pounds* in money, and to the Jury-men that gave in the former Verdict *forty shillings* a peice.

And in case the charge be for corruption, It shall be lawful for the Jury so Reproached, joyntly or severally to prosecute their Action of Slander as to them shall seem meet; And the Plaintiffe reproaching shall also be liable to such further Fine to the Countrey as the Court shall judge meet; Also in all Cases where the former Verdict is confirmed, the party concerned shall have double Costs, and also double Interest for being detained of his just Debt according to former Verdict.

Form for Execution.

To the Marshal of S. or his lawful Deputy,

YOU are Required in His MAJESTIES Name by Virtue hereof to Levy in Execution of the money of *A. B.* of *B.* the Sum of _____ with two shillings more for this Execution, and deliver the same unto *C. D.* of _____ or his order, which is to satisfie a Judgment the said *C. D.* recovered against the said *A. B.* for so much in Money (including the Costs of Court) upon a Tryal between them before the County Court holden in *B.* the _____ of *Anno.* and in want of the Money, or other Estate of the said *A. B.*'s to the satisfaction of the Creditor, you are alike Required to seize the Person of the said *A. B.* and him commit unto the safe keeping of the Prison-keeper in *B.* until he make payment according to this Execution, or otherwise be releas'd by the Creditor, or by order of Law, hereof fail not, as you will answer the contrary at your peril, and make return of your doings herein under your hand, as the Law directs, for which this shall be your sufficient Warrant; Dated in *B.*

Percuriam.

Mutatis mutandis.

According to the tenour of the Judgment.

THIS Court being informed that the number of Persons allowed to be Licensed in Boston for keeping of Houses of Entertainment and Retailing Wine and Liquors, &c. without doors; are not sufficient for the accomodation of the Inhabitants and Trade of the Town, by reason whereof sundry Inconveniencies do accrew.

Do Order, that the County Court of *Suffolk* may Licenſe five or six more Publick Houses in *Boston*; the Select Men of the Town of *Boston* yearly approving of the Persons as meet and fit for that Employment.

Form for Exec-
tions.

AS an Addition to and Explanation of the Law Regulating the size of Bricks, made at the General Court, May 28. 1679.

It is Ordered by this Court and the Authority thereof; That henceforth all Bricks shall hold out, and be of the full size and dimension expressed in the aforesaid Law, even after they be sufficiently Nealed or Burnt; And to that end all Moulds for Bricks shall henceforth be made of such a convenient size or scantling, that the said Bricks may and shall hold out, and be of the full Dimension prescribed when they are sufficiently Nealed or Burnt, as aforesaid; which shall be so judged and accounted Merchantable, when as at least three quarters of every parcel of Bricks be hard and through Nealed Ware, and not Samnell Bricks: and for the due observation hereof, every Town (where Bricks shall be made or sold, shall annually choose and appoint two or more able men, each of which shall have power to view, divide, and cull all Bricks from time to time, that shall be exposed to sale; who shall be Sworn to the faithful Discharge of their Office, and shall be allowed four pence for every thousand of good and merchantable Bricks they shall so Cull, one half thereof to be paid by the Seller, and the other half by the Buyer; And no Bricks shall be sold or made use of before they have been viewed and culled, as aforesaid, upon the penalty of paying *twenty shillings* in Money *per* thousand, one half thereof to the Town where such Bricks are made or sold, and the other half to the Informer.

Addition to
the Law for
sizing Bricks

Two Cullers
to be annually
chosen, their
Recompence:

E I N I S



SEVERAL
ORDERS and LAWS
Made at the Second SESSIONS of the
General Court

Held at Boston, Octob: 15th. 1684.
Order :

And Printed by their

Edward Rawson Secr^s.

Magistrates &
Commissioners
power in case
of Misdemeanors
suspected
etc.

IT is Ordered, that in case of Misdemeanour or vehement Suspition thereof, where no Court is at hand, any Magistrate; or Magistratical Commissioner, by Warrant under his hand or being present by his command, may empower any person to make Search and Apprehend any Disorderly Person, whereby their Misdemeanours may be brought forth and punished, and further Evils of like kind prevented; which Man so Impowered or Commanded, shall in the particular he is Employed in, have equal power with a Constable for requiring Aid and Assistance.

IT is hereby Ordered; that it may and shall be lawful for the Clerks, or Recorders of any and every County Court of this Colony to direct any Execution by them drawn

drawn to the Marshal General, as well as to the Marshals of the County, so that the person who shall obtain a Judgment, and take out Execution, may imploy which of them he shall see meet; Provided alwayes, when any such Execution shall be delivered to the Marshal General, the cost of it shall not be greater than if it had been Served by the Marshal of the County where the Judgment was granted.

Executions
may be served
by the Marshal
Gen: in case:

THe Consideration that the Countrey is at great Charges for transportation of Pay to Boston and Charltown, from the remote parts of the Colony; as also great loss in Measure:

It is Ordered by this Court and the Authority thereof; that those to whom the Countrey is indebted for Salleries, or otherwise, shall have order from the Treasurer to receive their pay in the Towns where they live out of the Countrey Rates, so far as it will reach, or by the next Towns adjacent for what is due in Countrey pay; Provided the Payments ordered by the Treasurer be conveyed to those who are to receive it by the Constables at the Countreys charge, to prevent so much loss and cost for carriage.

Country debts
to be paid to
all parties in
the severall
Towns they
live in:

WHercas Complaint hath been made to this Court, that Wolves have been taken in one Town and afterward carried into another, and there killed; whereby such other Towns hath been unjustly charged.

This Court doth Order and Appoint, that no Town or County shall be liable to make any payment by vertue of the Law Title Wolves, except for such as shall be both caught and killed within their Bounds respectively; Any Usage to the contrary notwithstanding.

Wolves to be
caught & kil-
led in the
Town bounds
or not to be
paid for

F I N I S.

C c



A T A
 General Court

Held at *Boston*, January 28. 1684.

W *Hereas the Law concerning Building with Brick or Stone in Boston, seems to Prohibit all manner of Building or Buildings, though never so small of Wood or Timber; And in regard there is a necessity of many convenient Places about Houses to be built for shelter, which cannot be conveniently done with Brick or Stone:*

This Court doth Order, That it shall and may be lawful for any Person or Persons to Erect any small Building; Provided, it do not exceed eight Foot square, and seven Foot Studd, of Wood or Timber; any Law to the contrary notwithstanding: Provided they have the Approbation of the Sele&men of said Town.

By the COURT,

Edward Rawson, Secr.



SEVERAL
 LAWS AND ORDERS
 MADE BY THE
 GOVERNOUR AND COMPANY
 Of the *MASSACHUSETTS BAY* in *NEW-ENGLAND*.

AT THE
 General Court

Held at Boston, May 27th 1685.

As also at a GENERAL COURT Held at *Boston* on
 the 14th of *October*, 1685.

And Printed by Order,

EDWARD RAWSON Secretary

A S an Addition to the Law tit. *Imposts* ;
 It is Ordered by this Court and the Authority thereof; That
 all Masters of Ships or other Vessels, that shall bring into our Harbours
 any Wines, or Strong-waters, the said Masters shall before they break
 Bulk, give a true and just Account, under his or their hand unto the *Na-
 val Officer*, of the quantity, and sorts of Cask he hath on Board, with
 the Marks & Numbers of the same, & the persons names to whom it is
 Dd Con

Consigned, or doth belong, upon forfeiture of paying the full duty appointed by Law, if any be found which the said Master gave not account of; And that the Owners or Receivers of such Wines or Liquors do before it be landed, make a true Entry with the Officers of the full quantity, upon forfeiture of what shall be found more than by them Entred, or the value thereof: And that the Owners, or who such Wines or Liquors are Consigned to, do pay down, or give under their hands to the Officer for the payment of the duties in some convenient time: Provided this bind the Master no further than to enter all such Goods for which he hath signed Bills of Lading. And if any more appear to be on Board, taken in without the Masters knowledg, he shall have liberty of a Post Entry.

W Hereas there is a general Complaint in many Towns within this Jurisdiction, of great abuses offered, and damage to particular persons, in the laying open of their Proprieties, by breaking, or laying down their Fences, Barrs or Gates; for the prevention of such Disorders and unlawful actings for the future;

For securing
of Fences.

It is Ordered by this Court and the Authority thereof, That any person or persons, who shall presume from, and after the Publication hereof, to break down any Fence, Stone wall, or lay open any Gates or Barrs, break or open any Locks fastened to such Gates or Barrs standing upon any mans Propriety or Inclosure (unless in case of claiming and making out of title to such Land) which person or persons, upon due conviction of such offence, shall be fined *twenty shillings* in money, one half to the use of the County, the other half to the party injured; and shall also be liable to pay all such damage as any person may sustain in his Propriety or Inclosure thereby, to be judged of by the Court, or other Authority that shall have the cognizance thereof, or otherwise to be recovered in a due Process of Law.

Treasurers
power.

IT is Ordered, That every Treasurer notwithstanding the expiration of his Office, shall have as full power for the prosecution of the severall Constables, and collection of the Rates which were issued out and committed to them in his time; also for the gathering in all other Dues arising to the Countrey by virtue of the Laws, tit. *Imposts*, and *Impost on Wine and Strong Liquors* during his Treasurership, as he was Impowred to do whilst in that Office.

Time for ser-
ving Attach-
ments.

IT is Ordered; That all Attachments in Civil Actions between party and party, shall be served fourteen dayes inclusive before the Court or time of Trial; any former Law or Custom to the contrary notwithstanding: And the like time to be attended in giving in Reasons of Appeal.

AS an Addition to the Law, tit. *Wills*:

It is Ordered by this Court and the Authority thereof That

the Magistrates of each County Court in this Jurisdiction being annually chosen by the Freemen, shall have full power and authority (as the Ordinary in *England*) to summons any Executor or Executors appointed to the Will of any deceased person, who have declared his or their acceptance of that Trust, by offering the said Will for probate, or otherwise; requiring him, her or them, to give Bond, with sufficient Sureties for paying all Debts and Legacies, or to make and exhibit unto the Court upon Oath, a just and true Inventory of all the known Lands, Tenements, Goods and Chattels of the Deceased; And in case such Executor or Executors shall neglect or refuse so to do, said Court shall proceed against such person or persons by imposing a fine or fines upon them, not exceeding *ten pounds per Month* for every months default after the expiration of the time that shall be appointed by the said Court for bringing in an Inventory: And upon complaint of any Creditor or Legatary they shall call any Executor or Executors to render an account of his or their Administration.

The County Courts power with reference to Wills

And it is further Ordered; that the said Court shall have full power to receive any Information or Complaint from any Legatee or Creditor against any Executor for the detaining any Legacy or any Legacies given by the Testator, or Debt due from said Estate; and to grant Summons and Process as is usual in other Cases for the appearance of such Executor or Executors, at dayes and place assigned by the said Court; and upon neglect or refusal to appear accordingly, the Court shall proceed to the hearing of the Complaint, and to make their decree and determination thereon, and to grant forth Execution for the fulfilling thereof; likewise to hear and determine all Cases relating to Wills and Administrators, and to make their Decrees, and grant Executions thereupon, allowing to the party agrieved liberty of Appeal to the Magistrates of the next Court of Assistants, such parties attending the Law, as in other cases respecting Appeals: Always provided, that where matter of Fact is controverted, then either Plaintiff or Defendant may have a Tryal thereof by a Jury, if it be desired, with liberty of Appeal to the next Court of Assistants, as the Law directs; any Law, Usage or Custome to the contrary notwithstanding.

F I N I S.

The customary cut of the Colony arms is necessarily omitted to bring this page to the size of the others.

W. H. W.

BY THE
GOVERNOUR AND COMPANY
Of the MASSACHUSETTS BAY in NEW-ENGLAND

A T A
General Court

Held at Boston, on Adjournment, Feb. 16th 1685.

A *S an Explanation of and Addition to the Law title Wills; Whereas the Magistrates or Members of the respective County Courts have alwayes had power to Receive and Record all Probates of Wills, and of Graunting Administrations, &c.*

It is further Ordered by this Court and the Authority thereof, That each County Court within this Jurisdiction, shall have full power and authority from time to time, as they shall see cause, to Summon any Executor or Executors of any deceased Persons last Will and Testament legally Proved and on Record, to appear before the said Court, and to Require Him, Her or them to make and exhibit into the Registry of the Court, a just and true Inventory upon Oath of all the known Lands, Tenements, Goods and Chattels of the Deceased, or to give Bond with sufficient Sureties for the paying of all Debts and Legacies of the Deceased. And in case such Executor

or Executors shall neglect or refuse so to do for the space of thirty days next after, or such further time that the said Court shall to them limit and appoint; the Court shall proceed against such Persons by Imposing a fine or fines upon them, not exceeding *ten pounds* per Moneth for every Moneths default after the expiration of said time so appointed. Also upon the complaint of any Creditor or Legatary, to call any Executor or Executors to render an Accompt of his or their Administration.

And it is further Ordered by this Court and Authority thereof, that the County Courts respectively shall have full power to receive any Information or Complaint from any Legatary or Creditor against the Executor or Executors to the Will of any deceased Person, for the detaining from Him, Her or Them any Legacy or Legacies given by the Testator, or Debt due from the Estate of such Testator; and to grant forth Summons or Process, together with a Copy of said Complaint or Information annexed for the appearance of such Executor or Executors before said Court; the said Warrant with the Libel annexed, to be served *fourteen dayes* inclusively before the day appointed for Appearance: And it shall be in the power of the Court to Order the time of Hearing, at their first Sessions, or at any Adjournment of said Court, as to them shall seem meet; and upon neglect or refusal of such Person or Persons to appear accordingly, the Court shall proceed to the Hearing of the Case, and make their Judgment or Decree therein, and grant forth Execution for the fulfilling thereof; likewise to Hear and Determine all Cases relating unto Wills and Administrations, and to grant forth Execution upon their Judgment given therein.

Alwayes provided, that where matter of Fact is controverted then either Plaintiff or Defendant, desiring the same before Issue joyned, may have a Trial thereof by a Jury, to be forthwith Summoned by Warrant from said Court, if there be no Jury then Impanned; the said party or parties making their whole Plea or Allegation as to all matters of Fact, at their first hearing and Answer, that Justice may not be delayed: allowing liberty for any party agrieved at the Judgment and Determination of the Court, or Verdict of the Jury, to Appeal to the next Court of Assistants, giving in their Reasons of Appeal as the Law directs in other Cases. And every Person before his Complaint be received and admitted, shall give Caution unto the Court to the value of *ten pounds* in Money to respond all such Charges and Fees as the Court shall award, any Law, Usage or Custome to the contrary notwithstanding; Provided this Law shall not be understood to debar any person or persons from Proceeding in the former and usual course of Law for the recovery of any Debt, or Legacy due from the Estate of any Deceased person, expressly determined by Will.

And the Law Intituled *An Addition to the Law* title *WILLS*, Made *Octob. 14th 1685.* is hereby Repealed.

APPENDIX.

In Hutchinson's volume, besides the various supplementary sheets of the Laws, he inserted several other broadsides issued by the secretary which did not seem to belong in the text. With two exceptions, these were orders of the Council, distinct, of course, from Laws made by the General Court. He also inserted two laws in manuscript, and it has seemed best to reprint these.

The documents are as follows : —

1. At p. 23 (my page 223) he inserted a Council Order of August 30, 1675, concerning Indians. As I have recovered the title-page which really belonged at this page, I have now transferred this Order to p. 336.

2. After p. 43 (my page 243) he inserts the Council Order of April 4, 1676. (See p. 337.)

3. Also three pages of Sunday Laws about Tythingmen; apparently a special issue or compilation for their use. (See pp. 339-341.)

4. After p. 48 (my page 248) he inserts the Court Order of May 3, 1676, about Soldiers impressed. This is merely a separate reprint of the law printed on p. 246, and therefore does not deserve a place in the text.

5. He also inserts here the Council Order of March 29, 1677. (See p. 345.)

6. He also inserts the Council Order of April 9, 1677. (See p. 347.)

7. After p. 59 (my page 259) he inserts the Council Order of March 28, 1678. (See p. 349.)

8. After my page 285 he inserts the manuscript of the Law of March 16, 1680-1, about Innkeepers. (See p. 351.)

9. After my page 327 he inserts the manuscript of the Law of March 18, 1684-5. (See p. 353.)

10. After the last-named he adds the Council Order of April 2, 1685. (See p. 355.)

The customary cut of the Colony arms is necessarily omitted to bring this page to the size of the others.

W. H. V.

AT A
C O U N C I L
Held in Boston August the thirtieth 1675.

THE COUNCIL judging it of Absolute necessity for the Security of the English and the Indians that are in Amity with us, that they be Restrayned their usual Commerce with the English, and hunting in the Woods, during the time of Hostility with those that are our Enemies;

Do Order, that all those Indians that are desirous to Approve themselves Faithfull to the English, be confined to their severall Plantations under written, until the Council shall take further Order; and that they so order the setting of their Wigwams that they may stand Compact in some one part of their Plantations respectively, where it may be best for their own Provision and Defence and that none of them do presume to Travaille above one mile from the Center of such their dwellings, unless in Company of some English, or in their Service near their dwellings, and excepting for gathering and fetching in their Corn with one English man, on peril of being taken as our enemies, or their Abettours: And in case that any of them shall be taken without the Limits above said, except as above said, and do loose their Lives or be otherwise damnified; by English or Indians: The COUNCIL do hereby Declare that they shall account themselves wholly Innocent, and their Blood or other dammage (by them sustained) will be upon their own heads.

Also it shall not be lawful for any Indians that are in Amity with us, to entertain any strange Indians, or receive any of our Enemies Plunder, but shall from time to time make discovery thereof to some English that shall be appointed for that end to sojourn among them, on penalty of being reputed our Enemies, and of being liable to be proceeded against as such.

Also whereas it is the manner of the Heathen that are now in Hostility with us, contrary to the practise of the Civil Nations, to execute their bloody Insolencies by stealth and skulking in small parties, declining all open decision of their controversie, either by Treaty or by the Sword.

The Council do therefore Order; That after the Publication of the Provision afore said, It shall be lawful for any person whether English or Indian, that shall finde any Indian travelling or skulking in any of our Towns or Woods, contrary to the limits abovenamed, to command them under their Guard, and Examination, or to kill and destroy them as they best may or can. The Council hereby declaring, that it will be most acceptable to them that none be killed or wounded that are willing to surrender themselves into custody.

The places of the Indians Residencies are Natick, Funquapaog, Nashoba, Wemisset and Hassanamesit And if there be any that belong to any other Plantations, they are to repair to some one of these.

By the Council Edward Rawson Sectt.



AT A
COUNCIL

Held at *BOSTON* April the 4th. 1676.

VV *Hercas divers Inhabitants are retired from our Towns into the nearer Towns, and there make their present abode : and it is of publick concernment that all such be under due Government and Improvement :*

It is Ordered, That the Select Men in each Town shall immediately upon the receipt of this Order, and so from time to time apply themselves with all diligence to take a particular account of all Persons and Families so coming unto them, requiring them if need be to appear before them that they may be fully informed of their state and way of living, and how they dispose of themselves : And the said respective Select Men are further impowred and required to take effectual care that the Incomers aforesaid settle themselves, or be by them settled in some orderly and diligent way of Employment and Government, especially single and younger persons, who are all of them hereby required to yield Obedience unto the Disposall and Order of the Select Men accordingly.

By the COUNCIL

Edward Rawson Secr.



SUNDRY LAWS

Made by the General Court Wherein the Duty of Tything Men is expressed, viz.

IT is Ordered, That all private unlicensed Houses of Entertainment be diligently searched out, and the penalty in the Law strictly imposed; and that all such Houses may be the better discovered, the Select-men of every Town shall chuse some sober and discreet persons, to be authorized from the County Court, each of whom shall take the charge of ten or twelve Families of his Neighbour-hood, and shall diligently inspect them, and present the Names of such persons so transgressing to the Magistrate, Commissioner, or Select-men of the Town, who shall return the same to be proceeded with by the next County Court, as the Law directs; and the persons so chosen and authorized, and attending their duty faithfully therein, shall have one third of the Fines allowed them, but if neglective of their duty, they shall incur the same penalty provided against unlicensed Houses. Made Octob. 15. 1675.

Tything-men
to inspect un-
licensed Houses

WHereas the sin of Idleness (which is a sin of Sodom) doth greatly increase, notwithstanding the wholesome Laws in force against the same: As an Addition to that Law.

This Court doth Order; that the Constable with such other person or persons whom the Select-men shall appoint, shall inspect particular Families, and present a List of the Names of all idle persons to the Select-men, who are hereby strictly required to proceed with them as already the Law directs, and in case of obstinacy, by charging the Constable with them, who shall convey them to some Magistrate by him to be committed to the house of Correction.

Idle persons: to
be inspected,
&c.

THis Court being desirous to prevent all occasions of Complaint referring to the profanation of the Sabbath, and as an addition to former Laws;

Do Order and Enact; That the Select men do see to it that there be one man appointed to inspect the ten Families of their Neighbours; which Tything-man or men shall, and hereby have power in the absence of the Constable to apprehend all Sabbath-breakers, Disorderly-Tiplers, and such as keep licensed Houses, or others that shall suffer any Disorders in their Houses on the Sabbath day, or evening after, or at any other time, and to carry them before a Magistrate or other Authority, or commit to prison (as any Constable may do) to be proceeded with according to Law.

To inspect Sab-
bath-breakers.

And

And for the better putting a restraint and securing Offenders that shall any way transgress against the Laws *T^h*. Sabbath, either in the Meeting-house by any abusive carriage or misbehaviour, by making any noise, or otherwise, or during the day time being laid hold on by any of the Inhabitants, shall by the said person appointed to inspect this Law, be forthwith carried forth and put into a Cage in *Doston* which is appointed to be forthwith by the Select-men set up in the Market place, and in such other Towns as the County Courts shall appoint, there to remain till Authority shall examine the person offending, and give order for his punishment, as the matter may require, according to the Laws relating to the Sabbath. Made *May 23. 1667.*

To inspect the taking the Oath of Fidelity.

It is Ordered by this Court and the Authority thereof; That the Law *T^h*. Oathes and Subscriptions, pag. 126. Sect. 2. requiring all persons, as well Inhabitants as Strangers (that have not taken it) to take the Oath of Fidelity to the Country, be revived and put in practice through this Jurisdiction. And for the more effectual execution thereof, It is Ordered by this Court; That the Select-men, Constables, and Tything-men in every Town, do once every quarter of a year so proportion and divide the precincts of each Town, and go from house to house, and take an exact list of the Names, quality and callings of every person, whether Inhabitant or Stranger, that have not taken the said Oath, and cannot make due proof thereof; and the Officers aforesaid are hereby required forthwith to return the names of such persons unto the next Magistrate or County Court, or chief Military Officer in the Town where no Magistrate is, who are required to give such persons the said Oath prescribed in the Law, wherein not only Fidelity to the Country, but Allegiance to our King is required. And all such as take the said Oath shall be Recorded and Enrolled in the County Records by the Clerk of each County Court. And all such as refuse to take the said Oath they shall be proceeded against as the said Law directs. And further, this Court doth Declare; That all such refuses to take the said Oath, shall not have the benefit of our Laws to Implead, Sue, or recover any Debt in any Court or Courts within this Jurisdiction, nor have protection from this Government whilst they continue in such obstinate refusal.

And furthermore, It is Ordered; That if any Officer intrusted with the Execution of this Order, do neglect, or omit his or their duty therein, they shall be fined according to their demerits, not exceeding five pounds for one offence, being complained of, or presented to the County Courts or Court of Assistants. And this Law to be forthwith Printed and Published, and effectually executed from and after the last of *November* next. And that all persons that admit the Oath aforesaid, shall in like manner make return of the Names of such persons so sworn to the respective Clerks of the County Courts. Made *October 10. 1677.*

As an Addition to the late Law made in *May* last, for the prevention of the Profanation of the Sabbath, and strengthening the hands of Tything-men appointed to inspect the same

Further direction & power about the Sabbath.

It is Ordered that those Tything-men shall be, and are hereby appointed and impowred to inspect publick Licensed Houses as well as private, and unlicensed Houses of entertainment; as also [*Ex Officio*] to enter any such Houses, and discharge their duty according to Law: And the said Tything-men are impowred to assist one another in their several Precincts, and to act in one anothers precincts with as full power as in their own, and yet to remain their special charges within their own bounds.

And it is Ordered, That the whole Fine raised by the penalty of this Law upon Delinquents, either in publick or private Houses, shall be remitted to the County Treasurer, and the Tything mens allowance made payable from him.

IT is Ordered by this Court and the Authority thereof, that henceforth the Select men of each Town take care that Tything-men be Annually chosen in their severall precincts of their most prudent and discreet Inhabitants, and sworn to the faithful discharge of their trust (where no Magistrate or Commissioners are) before the Select men of the place, and the said Tything men are required diligently to inspect all houses licensed, or unlicensed, where they shall have notice, or have ground to suspect that any person or persons do spend their time or Estates by night or by day; in Tipting, gaming, or otherwise unprofitably, or do sell by any way within doors or without, strong drink, wine, ale, Cider, Rhum, Brandy, Perry, Metheglin, &c. without license, and into said houses where such disorders shall by them be found, they may, and are hereby required and impowred to enter into and make search in their Cellars, or any other places within or about the same where they may suspect, or have notice, that Wines, strong beer, Ale, Cider, Perry, Metheglin, Rhum, Brandy, &c. are lodged; and in case they shall find any quantity of either, whereof the Owners do not give said Tything-men a satisfactory account of their having the same, any three of them agreeing, they shall by Warrant from any Magistrate, or Commissioners invested with Magistratical power, or (where no Magistrate is within five miles of the place) they shall without Warrant requiring the aid of the Constable, seize, carry away, and secure all such Wines, strong Beer, Ale, Cider, Perry, Metheglin, Rhum, Brandy, &c. and present an account thereof with the names of the persons from whom they took it to the next Magistrate, or Commissioner of the Town where any be that are invested with Magistratical power, who may, and are hereby impowred to proceed against said delinquent parties, and dispose of said Wines, strong Beer, &c. as to them shall seem meet; and if for value more then ten pounds, they are then to bind said parties over to the County Court, to be there proceeded against as the Law directs. In all which Cases full recompence shall be made to the Tything-men, and other Officers for all their care, trouble & expences in searching and securing said goods, and the remainder of the Goods seized, or value thereof, where the Magistrate, County Court, or Commissioners Court, that have orderly Cognizance thereof, shall not see reason to return the same to the parties from whom it was taken, the same shall be put into the County Treasury.

Tything-men
to be annually
chosen,

Also the Tything men are required diligently to inspect the manner of all disorderly persons, & whereby more private admonitions they will not be reclaimed, they are from time to time to present their names to the next Magistrate, or Commissioner invested with Magistratical power, who shall proceed against them as the Law directs, as also they are in like manner to present the names of all single persons that live from under Family Government, stubborn & disorderly Children & Servants, night-walkers, Typlers, Sabbath-breakers, by night or by day, and such as absent themselves from the publick Worship of God on the Lords dayes, or whatever else course or practice of any person or persons whatsoever tending to debauchery, Irreligion, prophane, and Atheism amongst us, whether by omission of Family Government, nurture and religious duties and instruction of Children and Servants, or idle, profligate, uncivil or rude practices of any sort, the names of all which persons with the fact whereof they are accused, and witnesses thereof, they shall present to the next Magistrate, or Commissioner, where any are in the said Town invested with Magistratical power, who shall proceed against and punish all such misdemeanours by Fine, Imprisonment, or binding over to the County Court as the Law directs.

VV Hereas you A. B. are chosen a Tything-man within the Town of D. for one year, until others be chosen and sworn in your room and stead, you do here swear by the living God that you will diligently endeavour, and to the utmost of your Ability perform and intend the duty of your place according to the particulars specified in the Laws peculiar to your Office, So help you God.

Tything-Mens
Oath.

By the Court, Edward Rawson, Secre



GENERAL COURT

Held at Boston the 3^d. of May

1676.

THIS COURT taking into Consideration the great Disappointment the Countrey hath suffred by reason of non-appearance of Souldiers Impressed for severall expeditions: Do judge meet that every person Impressed as a Souldier for the Service of the Countrey, and neglecting to make his appearance according to Order: every such Foot Souldier shall pay the sum of four Pounds, and every Trooper shall pay the sum of six Pounds: and if their neglects or refusal be accompanied with Refractoriness, Reflection or Contempt upon Authority, such persons shall be punished with Death, or some other grievous punishment.

And the Committee of Militia in the severall Towns where the offence is committed are hereby impowred and required to call before them all such as shall be Delinquents as is above expressed, and on Conviction of their neglect to give Warrant to the Constable to levy the said fines, which said fines shall be improved to purchase Arms for the Towns use; Provided it shall be in the power of the Council upon Petition of any person agrieved, and just reason alleadged and proved to make abatement of the said fines as in their wisdom and discretion they shall judge meet. And it is hereby Ordered that the return of all neglects and defects in the cases aforesaid, be sent to the Committee of Militia in the severall Towns, who are hereby required to take care for the strict Execution hereof.

By the COURT *Edward Rawson* Secr.



At a Court

Held at Boston in

NEW-ENGLAND

the 29th. of March, 1677

THe COUNCIL being informed, that some strange Indians, who have been in Hostility against us or have lived amongst such, are brought into this Jurisdiction, and bought by severall persons, which causeth much trouble and fear to the Inhabitants where they reside, and may be of dangerous consequence. not only to the Towns where they live, but to the whole Jurisdiction, if not timely prevented:

It is therefore Ordered that what person soever within this Jurisdiction shall hereafter buy or keep above ten dayes after the publication hereof, any such Indian, Man or Woman already bought, above the age of twelve years, without allowance from Authority, shall besides the forfeit of such Indian or Indians, pay the fine of five pound to the Treasurer of the Country, and the Constables of the severall towns are ordered forthwith to publish this Order in the r Precincts.

By the COUNCIL, Edward Rawson Secr.



At A COUNCIL

Held at Boston the 9th. of April, 1677

THe COUNCIL being informed, that among other Evils that are prevailing among us, in this day of our Calamity, there is practised by some that vanity of Horse racing, for money, or monyes worth, thereby occasioning much mispence of pretious tme, and the drawing of many persons from the duty of their particular Callings, with the hazard of their Limbs and Lives.

It is hereby Ordered that henceforth it shall not be Lawful for any persons to do or practise in that kind, within four miles of any Town, or in any Highway or Common Rode, on penalty of forfeiting twenty Shillings a-piece, nor shall any Game or run in that kind for any money, or monyes worth upon penalty of forfeiting Treble the value thereof, one half to the party's forming, and the other half to the Treasury, nor shall any accompany or abbert any in that practice on the like penalty, and this to continue til the General Courtt take further Order.

And all Constables respectively are hereby injoynd to present the Names of all such as shall be found transgressing, contrary to this Order to the Magistrate.

Dated the ninth of April, 1677

By the Council
Edward Rawson Sec.



AT A
COUNCIL

Held at Boston, March 28. 1678.

VV *Hereas many Complaints have been made, that several Persons have been killed by such as have pretended to have shot at Fowle, birds &c. and that in or near High-ways; and many take the boldnest upon them, Youths and grown Persons, too frequently to shoot within the Limits of Towns, Orchards, Gardens, &c. with bullets, greater or smaller shot, on pretence of shooting at Marks, Birds, Fowle &c. whereby Persons are endangered to be killed in their Gardens, Orchards, or adjacent Commons; To prevent such inconveniences and mischiefs for the future,*

It is hereby Declared and Ordered, That all or any Person or Persons of what age or Condition soever, that shall from henceforth presume to shoot off any Gun or Guns, charged with Bullet or Bullets, Swan, Goose, or other shot towards any Mark or place that the Militia in such Town or Towns have not appointed, or so near or into any House, Barn, Garden, Orchards or High-ways in any town or towns of this Jurisdiction, whereby any person or persons shall or may be killed, wounded, or otherwise damaged, such person or persons so offending, shall be proceeded against either as Murderers, or such as have wounded or damaged any person or persons in such place or places, shall be liable to answer it, and to make full satisfaction in all respects to such person or persons both for cure and damage; and be also liable to such further punishment as the Authority of the place that hath Cognizance of the offence shall appoint: And where either they be Servants, or Youths under their Parents or Masters and shall not be able to make such satisfaction, such Parents or masters shall be liable to make full and due satisfaction in all respects: And the Select men of each town are hereby appointed to see that this be put in execut

By the Council. *Edward Rawson* Secr

A T A

General Court

Held 16 MARCH, 1680-1.*AS an addition to the Law title INKEEPERS, Sect. 1:*

IT is Ordered by this Court and the Authority thereof that for the futuer the Select men of all Towns shall approve of all Persons to be Licensed before Licence be granted to any of them by the County Courts to Keepe such Publique House or be Retailer of Strong Liquors in any of the said Towns, and all Persons shall annually renew there Licenc at the Spring Court in there respective Countys.

2. Before any Licence be granted the Granjury shall bring in there Presentments, and in case any Licenced Persons shall be presented or prosecuted by the Select men or any other for transgressing the Law refering to such Persons and be legally Convicted, besides the Penalty which the Law appoints as a Punishment for there Misdemeaner there Licence shall not be renewed until the Fine be paid, and upon a Second Conviction they shall forfeit there Licence and the Persons annually licenced after the first day of October next shal not exceed, *viz*, in Boston, *six Wine Taverns, ten Inholders and eight Retailers of Wine and Strong Liquors out of doors*; In Salem, *Wine Taverns, two; Inholders, fower; Retailers for Wine and Strong Liquors, fower*. In Charlestowne, *three Publique Houses and one Retailer for Wine, etc., out of doors*. In Ipswich, *two Publique Houses and one Retailer for Wine*. In Gloster, *two*; Lynn, *two*; Hingham, *two*; Newbery, *two Publique Houses*. And in no other Towne in this Jurisdiction more than *one* such Publique House or Retailer.

3. It is hereby declared Lawfull for any of the County Courts to punish the Transgressors of this Law by Fine, Imprisonment or Corporal Punishment not exceeding Ten Stripes for the First Ofence.

This Court Judgeth it meet to grant the Towne of Boston Liberty for the futuer to send Three Deputys to the General Court.

Castle Souldjers are to be allowed Head Money but for one Rate only in the Yeare.

As a furthur Addition to the 4th Sec. of the Law title Townships :

It is Ordered that the Inhabitants of every Town qualified as in the said Law is Exprest may Choose any of there Towne for Constables, Select Men or Jurors, althoe not Rated as is expressed in said Law. And such Persons as shalbe so chosen and officiating accordingly shall forever after have free liberty to choose and be chosen to any of the said Places and Trusts as any other of the said Towne.

And it is further Ordered that all Military Commission Officers whilst in Commission are free from being chosen Constables in this Jurisdiction.

B Y T H E
 GOVERNOUR and COMPANY
 of the MASSACHUSETS BAY in *NEW ENGLAND*.



A T T A

General Court

*Held at BOSTON BY ADJOURNMENT from the 28th of
 JANUARY to the 18th of MARCH, 1684.*

W*Hereas this Court for Prevention of questions and Suits at
 Law that might arise upon Deeds and Conveyances of Houses
 and Lands wherein the word (heire) if omitted when an Es-
 tate of Inheritance is intended to be passed, did by the Law, tit.
 Conveyances, Deeds and Writings, Sec. 2:*

Order, that in all Deeds and Conveyances of Houses and Lands in this Jurisdiction wherein an Estate of Inheritance is to be passed, it shall be expressed in these words or to the like effect, viz: *to have and to hold the said House or Land respectively to the Party or Grantee his Heires and Assigns forever*, and therein provided that Law should not extend to any Land granted or to be granted by the Inhabitants of any Towne, thereby intending although it is not so plainly expressed, that such grants of Lands by Towns are an Estate in fee simple, notwithstanding the word *Heires and Assigns forever* are therein omitted, the afforesaid Law being intended for the direction of Private Persons only in their particular Deeds and Conveyances of Lands from one to another.

As an Explanation of said law, *tit*, CONVEYANCES, DEEDS and WRITINGS and Addition thereunto, It is therefore by this Court and the Authority thereof Ordered, Enacted and Declared, that all [such] Orders or Grants of Lands heretofore made by this Court, or by any Towne or Towns in this Jurisdiction were and are intended and shal be Construed and Judged in the Law to be an Estate in fee simple, and are hereby Confirmed to the said Persons and Townships their Heires and Assignes respectively forever. Provided all ways that such Grants as do expressly declare otherwise, *viz.* to be for Terme of Life or for Terme of Years, or during Plesure or the like shal not be Included in this explanation or Law. And when any Person or Persons shall take out any exemplification of any such Grant of this Court under the Secretaryes Hand and desire the Seale of this Colony to be affixed thereunto, the Governor for the time being is hereby ordered and impowered in his Testimoniall to Insert that *the said Grant of Land is Confirmed by the General Court held at Boston March 18, 1684, to the said Grantee or Grantees and to their Heires and Assignes respectively forever.*

By the COURT,

EDWARD RAWSON, Secretary.

This Law was fairly engrossed on parchment and the Seal of the County, and so published by order of the General Court and left on file with the Secretary.

[NOTE :— The reader is requested to consult also the Colonial Records as printed in 1834, Vol. V., page 473, for a correction ordered in this Law, by striking out the word *such* in the fourth line of the second paragraph. I have put it in brackets in the text, though Hutchinson omitted it.— W. H. WHITMORE.]



B Y T H E
GOVERNOUR AND COUNCIL

Assembled at BOSTON the 2^d. of April, 1685.

To all His *MAJESTIES* Subjects within the Government of the
MASSACHUSETTS COLONY.

FOrasmuch as we are credibly Informed, that there is a Ship of about three Hundred Tons that hath for some time been cruising on the Coast, between Martyns Vineyard and Cape Cod, without the Limits of this Colony, whereof Christopher Goffe is Captain, and one John Salter is Master, and by our best Information is justly deemed and vehemently suspected to have been Wickedly and Piratically taken from some of His *MAJESTIES* Allies in the West Indies, and doth further appear to be true by their not coming under Command: Now that no Person or Persons may plead ignorance of His *MAJESTIES* Proclamation, or of the Law Made and Published by the Governour and Company of this His *MAJESTIES* Colony agreeable therunto, bearing Date, July 9th. 1684.

These are therefore in His *MAJESTIES* Name, strictly to Charge and Require all Persons whatsoever within this Jurisdiction, not to resort unto, or in any wise joyn themselves with said Goffe or his Company, nor to receive or conceal any of the Goods coming out of said Ship, nor nourish or comfort in any kind Entertain, Harbour, Counsel, Trade, or hold any Correspondence by Letter or otherwise with them the said Goffe or Company, contrary to said Law, and under the penalty therein provided.

By Order, *Edward Rawson* Secr^r.

INDEX TO COLONIAL LAWS.

A

- ABILITY** (see AGE).
ACADIE
 liability of persons trading with . . . 295, §6
ACCOUNTS (see DENR).
 of public officers (see under titles of office).
 on books, to be balanced within three years 39, §1
 extensions granted 204, §1;
 219, §1; 253, §9
 repealed 266, §6
 of towns, for arms, etc., settled, . . . 240, §23
 for Indian war, committees to audit . . 248a
ACKNOWLEDGMENT
 of deeds, etc. 33, §4
ACTIONS (see APPEAL, APPEARANCE, COURT, EVIDENCE, DEFENDANT, WITNESS).
 where triable 2, §1
 rules for entry 2, §2
 pleading and evidence 2, §2
 return of attachments 2, §2
 fees for entry 2, §4
 additional charges 3, §5
 of clerk of court 130, §1
 of trespass, excessive damages 2, §3
 in general court, to hear whole charges 3, §6
 plaintiff may withdraw 3, §7
 renew in another court, 3, §7
 vexatious suits to pay treble damages 3, §8
 strangers may bring in any court against non-resident 38, §8
 where parties live in different towns to be brought in either 21, §1
 under forty shillings 21, §2
 transferred to court of assistants in disagreed cases 87, §4
 penalty for non-appearance of party when called 87, §6
 asking advice of magistrate in 34, §1
 of attain, may be brought against jury 201, §1
ADJOURNMENT
 of general court, by consent of majority of members 35, §5
 of county court by magistrate 39, §1
 question as to legality, resolved 288, §5
ADMINISTRATOR (see ESTATE, EXECUTOR, INTESTATE, WILLS).
 to bring suit as such 8, §1
 duties and liabilities 157, §1; 330, §5;
 333, §1
 appointed in vacation of court 158, §2
 of insolvent estates 250, §4
ADMIRAL AT SEA
 chosen yearly by freemen 48, §4
ADMIRALTY
 cases to be heard by court of assistants 213, §1
ADULTERY
 punished by death 15, §9
 by soldier, penalty 230, §13
ADVICE (see COUNSEL).
AGE
 of discretion 1, §1; 91, §1
 of understanding 15, §14
 of consent 15, §15
 of apprenticeship 26, §1
 of minority of women in case of marriage 28, §6
 of responsibility for arson 51, §2
 religious belief 59, §2
 observance of the Lord's day 132, §1
 of witnesses giving testimony out of court 158, §2
 of Indians for service 251, §7
 military service 109, §9
 for passing lands, etc. 1, §1
 for jury service in civil cases 1, §4
 for choosing guardian 1, §1
 for making wills 1, §1
 for appearance in civil cases 2, §1
 criminal cases 2, §1
 for exemption from death penalty for sodomy 15, §8
 for unfilial conduct 15, §13
 for taxation 23, §3
 for contracting legal debt 27, §4
 to acquire freedom of the commonwealth 56, §2
 to be chosen town officers 148, §4
 to take oath of allegiance 262, §2
ALARM (see MILITIA, SENTINEL, WATCH).
 from town to town, how raised 271, §8
ALLEGANCE
 oath of, prescribed 261, §1
 for all over sixteen years 262, §2
 magistrates to administer 263, §2
 refusers to have no civil rights 340, §4
 penalty for service with enemy or against allies 315, §1
ALLEN, CAPT. JOHN
 appointed searcher of coin in Charlestown 118, §3
AMESBURY
 enlistment of troopers in 313, §4
AMMUNITION (see MILITIA, FORTS).
 general court to make a constant supply 112, §14
 selectmen to provide 112, §15
 towns to furnish safe place for keeping 112, §15
 importation of, to be reported to public notary 125, §1

- AMMUNITION, continued.**
 exportation of, without license, forbidden 126, §2
 searchers of powder, appointed 126, §2
 cath of 169, §10
 towns to provide flints 237, §13
- ANABAPTISTS (see HERESY).**
 to be banished 59, §1
- ANATOMY**
 body of executed criminal 30, §1
- ANDOVER**
 designated as frontier town 247, §5
- ANDREWS, SAMUEL**
 appointed surveyor of land 296, §9
- APPAREL**
 excess in, prohibited 5, §1; 233, §3
 penalty for wearing gold lace, etc., by persons of estate less than £200, 5, §1
 grand jury to present offenders 5, §1; 233, §3
 selectmen to take notice of 5, §1
 magistrates, military officers, etc., privileged 5, §1
 of children and servants not to exceed their quality and condition 6, §1
 tailors to be fined if making garments contrary to order of parents, etc., penalty for wearing long hair or periwigs 232, §2
- APPEAL**
 from inferior courts to court of assistants 3, §1
 from one magistrate to county court 3, §1; 13, §2
 from court of assistants to general court in capital cases 3, §1
 from court of assistants in Dover and Plymouth to county court 4, §1
 from one magistrate or commissioner of towns 21, §2
 from commissioners of Boston to court of assistants 22, §3
 by disobedient children and servants, from estimate of damages by laying out of highway to county court, 64, §1
 from county court to court of assistants concerning settlement of paupers 123, §2
 from disposition of selectmen to county court 148, §3
 from selectmen of Boston to county court on question of boundaries 307, §1
 from county court to court of assistants in probate matters 331, §2; 334, §3
 to be made before execution 3, §1
 security to be given for costs and damages in civil cases 3, §1
 for good behavior in criminal cases 3, §1
 in matter of law to be determined by the bench 3, §1
 fact, by bench and jury, 3, §1
 to be recorded at cost of appellant 4, §2
 reasons to be filed before court 4, §2; 330, §4
 penalty for failure to prosecute no judge appealed from, to sit on appeal 4, §3
 to be judged according to former evidence 4, §3
 errors to be rectified 4, §3
 damages increased or abated 4, §3
- APPEARANCE (see NON-APPEARANCE).**
 form of bond for 162, §3
- APPRAISER**
 of land or goods, oath prescribed, 169, §31
- APPRENTICES**
 to be taught to read the English tongue, 26, §1
 knowledge of the capital laws 26, §1
 catechized once a week 26, §1
 brought up in some calling 26, §1
 not to frequent public houses 27, §3
 order to constables concerning 149, §7
- ARMS (see MILITIA).**
 soldiers to be furnished with 109, §8
 inhabitants to provide themselves 109, §7
 of foot soldiers 108, §7
 of troopers 113, §16
 of pikemen 115, §20
 inspection of 110, §10
 penalty of discharging, after watch is set 111, §12
 shooting off guns forbidden on vessels in port 140, §4
 in towns or on highways 349, §1
 Indians forbidden to carry, without certificate 252, §7
 provision of 1,000, for use of country, 227, §3
 soldiers to account for at expiration of service 232, §2
- ARREST (see DEBT).**
 for debt, or fine, not to be made if satisfaction can be found from estate 6, §1
 except in special contracts, 6, §1
 concealment of estate 6, §1
 person arrested to be kept at his own charge 6, §1
 on civil action, keeper of prison not to be charged with support 6, §2
 plaintiff to provide for poor debtor 6, §2
 liberty to go outside the precincts of prison, by whom granted 7, §1
 keeper of prison to take bail 7, §2
 for failure to pay taxes 24, §3
 of sailors for debt to innkeepers, etc., not permitted, 134, §1; 293, §1
 vagabonds without warrant, 153, §1
 night-walkers by watch 154, §1
- ARSON (see FIRES).**
 of barn, etc., punished by whipping, 51, §2
 of dwelling-house, etc., by death 52, §2
- ARTIFICERS**
 to be taxed on income 21, §3
 may be required to labor at harvest, 161, §1
- ARTILLERY (see FORTS).**
 committee of militia and selectmen to supply 111, §11
- ASSESSMENT (see TAXES).**
 of persons and estates 23, §2, §3
 public, definition of 25, §3
- ASSIGNEE**
 to bring suit as such 8, §1
 of bill or other claim to recover as fully as the original creditor 10, §1
 assignment must be made upon the back side of bill 10, §1
- ASSISTANTS, COURT OF**
 election by freemen 47, §1; 247, §1; 282, §3
 nomination by towns 48, §3
 declared general officers 48, §4
 oath prescribed 164, §10
 sessions to be held at Boston yearly, 36, §7
 powers of 36, §7
 special sessions to be called for trial of capital cases 36, §7

ASSISTANTS, COURT OF, <i>continued.</i>	
appeal to, from inferior courts	3, §1
with governor to form the council of the commonwealth	33, §1
to appoint commissioners	20, §1
to approve choice of commissioners of Boston	21, §3
power to reprieve condemned malefactor	35, §4
power to call general court upon urgent occasion	35, §5
governor to have casting-vote	35, §6
to summon jury of inquest	39, §1
to try Quakers	61, §9
on contumacy	63, §10
to fix punishment of Jesuits	67, §1
to determine cases in which inferior courts disagree	87, §4
to hear cases of attaind of jury	201, §1
all cases of admiralty	213, §1
may authorize residence of married person whose husband or wife resides abroad	101, §4
ASSIZE	
of bread	8, §1; 288, §4
casks	16, §1; 283, §5
pipestaves	122, §1
wood	160, §1
ASSOCIATES	
general court to appoint	36, §7
for county courts, to be sworn	20, §2
oath prescribed, 166, §17	
may hold court with one magistrate,	36, §7
punish breach of the peace	11, §1
manner of choice by freemen in counties	216, §3
powers in counties where there are no magistrates	208, §2
ATONEMENT (see HERESY).	
penalty for denying	59, §1

ATTACHMENTS (see SUMMONS, EXECUTION, DEBT).	
to be issued in king's name	161, §1
form of, prescribed	162, §2
to be granted by clerk of writs	29, §1
plaintiff may take out against any person, 7, §1	
foreign plaintiff to give security, 7, §1; 283, §6	
notice to be served in writing at usual place of abode	7, §1
when defendant is out of jurisdiction, execution respited	7, §1
to be served six days before court	7, §2
to express in whose name the suit is brought	8, §1
exception to be taken before issue is joined	8, §1
marshals may serve	8, §1; 103, §3
deputy marshal not to serve	220, §4
fees to be paid marshal before service, 220, §6	
to be directed to the constable in towns where no marshal dwells	8, §1
limit of time for service	330, §4
not to be discharged until judgment is satisfied	144, §1
void in default of execution one month after judgment	144, §1
for debt, void against sailors, 134, §1; 293, §1	
by stranger against stranger	294, §2
against master of vessel	294, §2
ATTAINT (see JURY).	
of jury for erroneous verdict	201, §1
to be tried before court of assistants, 201, §1	
penalty on conviction	202, §1
rules for prosecution of	319, §1
ATTORNEY	
in any inferior court ineligible as deputy to general court	41, §2
may bring suit as principal	211, §10
of towns, question of authority resolved	266, §7

B

BAIL (see APPEAL, ARREST, DEBT).	
after commitment for debt	7, §2
person under, to be heard at next court	38, §10
not allowed in case of denial of word of God	59, §2
not allowed in case of Quakers	61, §9
capital cases	74, §1
for contempt in open court	74, §1
BAKERS (see BREAD, MARKETS).	
each to have a distinct mark for his bread	8, §1
weight of penny loaf	8, §1
clerk of market to inspect	8, §1; 288, §4
light weight bread to be forfeited to use of poor	8, §1
bread to be used in bakers' families to be of prescribed weight	9, §2
to be taxed on income	24, §3
BALLAST	
not to be taken without written permission of selectmen	9, §1
not to be cast into channel or harbor	9, §1
BALLOT	
election of deputies by	40, §1
general officers	47, §2
to be cast open or once folded	47, §2
nomination of magistrates by	47, §3
form of prescribed	274, §1

BANISHMENT	
by judgment of general court	1, §1
for defamation of magistrates	36, §6
trading with Indians	247, §8
to be tried before court of assistants at Boston	36, §7
special jury to be summoned	86, §1
of Quakers	61, §9; 63, §10
BAPTISM (see HERESY).	
of infants, penalty for opposing	59, §1
BARBERS	
to be taxed on income	24, §3
BARRATRY (see ACTIONS, VEXATIOUS SUITS).	
definition of common barrator	9, §1
the court may reject the cause and punish the barrator	9, §1
BARTER (see INDIANS).	
with Indians	75, §2
BARREL (see CASK).	
length and quality of staves prescribed	17, §1
BASTARD.	
reputed father to maintain the child, 55, §3	
BATTER, EDWARD	
appointed searcher of coin in Salem, 118, §3	
BATTERIES.	
committee of militia and selectmen to keep in repair	111, §11
BATTERY, ASSAULT AND	
appeal to county court	21, §2

BAWDERY (see BROTHEL, WHOREDOM).	
BEANS	
use of, in election of assistants . . .	47, §1
BEASTS.	
cruelty towards, forbidden . . .	39, §1
copulation with, penalty . . .	14, §7
BEAUDON, JOHN	
petition for relief, committee appointed . . .	247, §7
BEEF (see CASK).	
assize of casks . . .	16, §1
regulations for packing . . .	16, §2
packers of, oath prescribed . . .	170, §§3, 5
importation of, forbidden . . .	106, §2
suspended . . .	239, §19
BEER (see BREWERS).	
quality of, regulated . . .	11, §1
tax upon sale in public houses . . .	69, §4
not to be sold or given to Indians . . .	76, §5
any may sell out of doors . . .	80, §2
quality and price of that sold by innkeepers . . .	80, §2; 251, §5
BENEVOLENCE (see GIFTS, GRANTS, LEGACIES).	
when to be granted by general court, by private citizens for public use . . .	9, §1
trustees to account to county courts, . . .	9, §1
BESTIALITY	
in man or woman, to be punished by death . . .	14, §7
the beast to be slain and buried . . .	14, §7
BILET	
of soldiers in Indian war, rates established . . .	253, §12
BILLS (see ASSIGNEE, DEBT).	
assignment of . . .	10, §1
penalty for forging . . .	54, §1
of exchange, exempted from usury law . . .	153 §1
of lading, see <i>Customs, Invoice</i> .	
BIRTHS	
record of . . .	130, §2
parents to report . . .	130, §2
BLASPHEMY (see CURSING, HERESY, PROFANE SWEARING).	
definition of . . .	14, §3
punished by death . . .	14, §3
books containing, to be burned . . .	60, §3
utterers of, forbidden entertainment, by soldiers in camp, penalty . . .	60, §4 229, §1
BLISS, LAWRENCE	
appointed searcher of coin in Springfield . . .	118, §3
BOARDS	
measurers of, selectmen to appoint . . .	156, §2
BOATS	
penalty for taking from moorings without consent . . .	212, §14
BONDS (see APPEAL, ARREST, SURETIES).	
to be taken by clerk of writs . . .	29, §1
sureties to be held until satisfaction, . . .	144, §1
released in default of execution one month after judgment . . .	144, §1
of unlicensed innkeepers on complaint . . .	84, §18
of vessels in port . . .	139, §3
for appearance, form prescribed . . .	162, §3
prosecution of action of attainr to be given by strangers suing inhabitants . . .	207, §1
for good behavior of those who indulge in riotous pleasures . . .	236, §12
in case of forfeit, the case to proceed as in non-appearance . . .	202, §1

BONDS, continued.	
in case of forfeit, execution to issue against sureties . . .	202, §1
BONDSLAVERY	
prohibition of . . .	10, §1
except captives in just wars, taken or purchased . . .	10, §1
Christian usage prescribed . . .	10, §1
by judgment for crime . . .	10, §1
BOSTON	
county court for Suffolk to be held in . . .	37, §7
fairs and market days established . . .	49, §1
penalty for galloping in streets of deniers of the word of God to be committed to prison . . .	57, §1 59, §2
books of Reeves and Muggleton to be burned in market-place of . . .	60, §3
composition of committee of militia in . . .	110, §11
rule of seniority among captains of companies . . .	111, §11
order for division of foot companies in . . .	217, §2
entertainment of Indians in, forbidden . . .	225, §1
account to be taken of strangers . . .	226, §7
strangers not to be entertained without authority . . .	226, §8
accounts of Indian war to be audited at, mint established at . . .	248a 117, §1
searchers of coin appointed . . .	118, §3
shipping officer appointed . . .	139, §3
special duties . . .	149, §3
surveyors of damaged goods appointed . . .	295, §8
established as port of entry . . .	298, §1
naval office established . . .	289, §1
receiver of fortification dues appointed . . .	140, §5
country rates for 1672 allowed for repairs of forts . . .	203, §2
selectmen to regulate employment of porters . . .	124, §1
penalty for refusal to serve as constable of, when chosen . . .	148, §5
cage for Sabbath-breakers to be set up in market-place . . .	250, §2
watch established to prevent exit of carts, etc., after sunset on Saturday . . .	269, §1
regulation of assize of bread . . .	288, §4
number of licensed public houses, . . .	320, §3; 351, §2
to send three deputies to general court . . .	352, §4
commissioners to be chosen annually by freemen . . .	21, §3
to be approved by court of assistants, powers to try civil cases to ten pounds, fees prescribed . . .	21, §3 21, §3
jurisdiction to include Noddle's island . . .	21, §3
powers in criminal cases . . .	22, §3
appeal from, to court of assistants . . .	22, §3
marshals and constables to aid . . .	22, §3
commissions of, to issue under secretary's hand . . .	22, §3

BOSTON, continued.

commissioners to punish disobedient children and servants	27, §2
powers of, in civil and criminal cases, extended	217, §1
to punish excess in apparel	233, §3
building regulations, after fire	269, §2
suspended	278, §2
re-enacted	307, §1
partition walls, wooden buildings	309, §1
wooden buildings	327, §1
BOTTOMRY (see VESSELS).	
act relating to	93, §1
BOUNDARIES	
of towns to be set within twelve months	10, §1
marks to be reviewed once in three years	10, §1
notice of perambulation	10, §1
of private lands, penalty for refusal to survey yearly	10, §2
BOWLING (see GAMING).	
forbidden in public houses	57, §1
BRAINTREE	
searcher of coin appointed	118, §3
BRANDING	
for burglary and highway robbery	13, §1
of cattle by towns	18, §3
of vagabond Quakers in contumacy, etc.	63, §10
BRATTLE, THOMAS	
appointed searcher of coin in Boston, to seize provisions intended for export	118, §3
BREAD (see BAKERS).	
assize of, act regulating	8, §1
weight of penny loaf	8, §1
to be marked by baker	8, §1
forfeited to use of poor if found light weight	9, §1
for use in families of bakers	9, §2
clerk of market to inspect	8, §1; 9, §2
price of wheat for, how ascertained	288, §4
BREWERS (see BEER).	
qualifications of	11, §1

BREWERS, continued.

liable in damages for furnishing unwholesome beer to ship-masters	11, §1
to be taxed on income	24, §3
BRIBERY	
of jurors, penalty	202, §1
BRICKS	
assize of and regulations of manufacture	266, §3; 321, §1
cullers of, appointed	321, §4
prescribed for buildings in Boston	267, §2
act suspended, re-enacted, 307, §1	278, §2
BRIDGES	
on country highways to be built and repaired by county	12, §1
cost to be apportioned among towns by county court	12, §1
in towns, responsibility for injury by defect in	12, §2
damages, how recoverable, workmen may be impressed to repair	12, §2
BROTHEL	
punishment for keeping	208, §3
BUILDINGS	
regulation of, in Boston	307, §1; 309, §1
size of wooden, in Boston, prescribed, 327, §1	327, §1
BURGLARY (see CAPITAL CRIMES).	
penalty for, on secular days	13, §1
the Lord's day	13, §1
to include breaking shop, vessel, etc.	204, §1
BURIAL	
of suicide in common highway	137, §1
of beast	14, §7
of executed malefactor	30, §1
BUTCHERS (see LEATHER, HIDES, BEEF).	
to be taxed on income	24, §3
forbidden to act as tanner	88, §1
penalty for injuring hides in flaying, neglect to cleanse their premises	89, §1
BUTTER (see MARKET).	
to be weighed by clerk of market	9, §1
forfeited to use of poor if found light	9, §1

C

CAGE	
for confinement of Sabbath-breakers	250, §2
CAMBRIDGE	
college in	29, §1
teaching elders to be overseers of college	29, §1
county court of Middlesex to be held in	37, §7
CANADA	
liability of persons trading with	295, §6
CAPITAL CASES	
to be judged by general court when to be judged by the law of God	1, §1
appeal from court of assistants	3, §1
penalty for non-appearance in	16, §17
no bail to be accepted	74, §1
no limit to time in which indictment may be brought	79, §1
special jury to be summoned for trial of	86, §1
oath of jurors	167, §21
all witnesses required to be present	159, §2
two or more required for conviction	158, §1

CAPITAL CRIMES

third conviction of burglary or highway robbery	13, §1
idolatry	14, §1
witchcraft	14, §2
blasphemy	14, §3
murder, premeditated	14, §4
in anger	14, §5
fatal poisoning	14, §6
bestiality	14, §7
sodomy	15, §8
adultery	15, §9
man-stealing	15, §10
perjury in capital cases	15, §11
treason	15, §12; 292, §3
cursing or smiting parent	15, §13
stubbornness	15, §14
repealed	291, §2
rape of maid or single woman	15, §15
copulation with child under 10 years of age	15, §16
arson	52, §2
heresy, obstinate persistence in	60, §2

CAPITAL CRIMES, *continued.*

- Quakers, on return from banishment, 61, §9
 piracy and mutiny 211, §9
 military service with foreign enemy or against allies 315, §1
 in military camp (see Laws and Ordinances of War).

CAPITAL LAWS

- to be taught children 26, §1, 149, §7
 repeal of certain 291, §2

CAPITAL PUNISHMENT

- sentence not to be executed within four days except under martial law 30, §1
 body not to remain unburied 30, §1
 warrant for execution to be signed by the secretary 30, §1
 reprieve may be granted 35, §4
 pardon only by general court 35, §4

CAPTAINS (see MILITIA).

CAPTIVITY (see BONDSLAVERY).

CARDS (see GAMING).

- penalty for playing at 58, §1
 bringing into the colony. 58, §2

CARPENTERS

- to be taxed on income 24, §3

CARR, WILLIAM

- appointed surveyor of land 296, §9

CASK (see GAUGERS, COOPERS).

- to be of London assize 16, §1; 283, §5
 gaugers and coopers to mark 16, §1
 defective, penalty for sale of 16, §1
 forfeited if not marked 16, §2
 length and quality of staves and headings 17, §1
 of pickled sturgeon to be branded 210, §4

CASTLE, CAPTAIN OF

- to notify masters of vessels on arrival to report concerning ammunition imported 126, §1
 to notify ships of port regulations 140, §4
 regulations concerning strangers 143, §1
 soldiers of, allowance of head money, 352, §5

CATECHISM

- to be taught children, apprentices, and servants once a week 26, §1
 special directions to constables 149, §7

CATTLE (see COMMON FIELDS, GOATS, HORSES, SWINE).

- when to be put in common fields 17, §1
 towns to establish brand mark 18, §3
 penalty for trespass if unmarked 18, §3
 unruly, to be shackled 18, §3
 proceedings in case of trespass 18, §3
 may be impounded 18, §3; 125, §1
 trespass on property insufficiently fenced 20, §1
 rates of assessment for taxation 23, §3
 reduced 301, §1
 tax upon when brought from other colonies 283, §4
 repealed 287, §2
 number of, on common lands, limited 211, §8
 liberty to rest and feed when on the road 42, §1
 customs duties on 71, §5
 impressed for public service, compensation for 73, §2
 to be prevented from injuring Indians' cornfields 76, §7
 all sales to be recorded in toll-book 147, §1
 astray, finder to notify constable 142, §1

CATTLE, *continued.*

- to place a withe about neck 142, §1
 astray, to be eried in the town of which they bear the brand-mark 142, §2
 recorded with county court 142, §2
 disposition of, if unclaimed within one year 142, §2
 loser to have liberty to search any toll-book 147, §1

CAUSES (see ACTIONS).

- age for appearance in civil cases 2, §1
 to be first tried in inferior court 152, §1
 may be reviewed in same court on new evidence 152, §1
 small, to be heard by any magistrate, commissioners, selectmen 20, §1
 21, §2
 appeal to county court 21, §2
 oath of three men who hear, 166, §18

CENSURE

- of magistrates by governor 36, §6
 of church, not to degrade from civil office 44, §10
 by county court of publishers of heterodox doctrines 61, §8

CHALLENGE

- of jurors 152, §3

CHARGES, PUBLIC (see TAXES).

- of officials in service to be paid by town or county 22, §1
 civil and ecclesiastical 22, §2
 each inhabitant to contribute proportionally to his ability 22, §2
 for public service to be paid on treasurer's order in towns where creditors live 325, §3

CHARLESTOWN

- county court of Middlesex to be held in 37, §7
 market day established 49, §1
 committee of militia in 110, §11
 searcher of coin appointed 118, §3
 selectmen to regulate employment of porters 124, §1
 receiver of fortification dues appointed 140, §5
 country rates for 1672 allowed for repair of forts 203, §2
 surveyors of damaged goods appointed 295, §8
 established as port of entry 298, §1
 number of licenses to be granted 351, §2

CHARTER

- of vessel, refusal of owner to sign 93, §2

CHELMSFORD

- designated as frontier town 247, §5

CHILDREN (see AGE, PARENTS).

- to be taught to read the English tongue 26, §1
 knowledge of the capital laws 26, §1
 catechised once a week 26, §1
 brought up to some calling 26, §1
 unruly, to be placed as apprentices 26, §1
 disobedient, punishment for 27, §2
 debts contracted by, not recoverable 27, §4
 not to be denied timely or convenient marriage 28, §5
 orphans, disposal of by court 28, §6
 not to frequent public houses 27, §3
 for enticing, penalty 27, §3
 punishment for lying 92, §1
 required to spin 141, §1
 allowance in trials at law 152, §4

- CHILDREN, continued.**
 special order to constables concerning . . . 149, §7
 of the church, to be watched over by the elders . . . 233, §1
 order concerning fifth commandment . . . 235, §9
 punishment for absence from home at night . . . 236, §9
- CHRISTIAN (see CHURCH, WORSHIP, HERESY, DOCTRINE).**
 private meetings of, allowed . . . 44, §12
 contemptuous behavior of, penalty, 44, §13
- CHRISTMAS (see HOLIDAYS).**
 penalty for observance of . . . 57, §2
 repealed . . . 291, §2
- CHURCH (see ELDERS, MEETING-HOUSES, MINISTERS).**
 liberty to gather churches . . . 43, §1
 magistrates and elders to approve . . . 43, §1
 no other than church members to be freemen . . . 38, §12; 43, §2
 repealed . . . 56, §2
 to exercise all the ordinances of God, 43, §3
 to elect and ordain officers . . . 43, §4
 to exercise discipline . . . 43, §5
 freedom of doctrine and worship . . . 43, §6
 to celebrate days of fasting, etc. . . 43, §7
 elders to consult . . . 43, §8
 to deal with members under the hand of justice . . . 43, §9
 magistrates and other officers . . . 44, §10
 censure not to degrade from civil dignity . . . 44, §10
 to be under supervision of civil authority . . . 44, §11
 private meetings allowed . . . 44, §12
 expenses of elders on public business to be paid by treasurer . . . 44, §13
 preachers and elders of . . . 44, §13
 to be approved before ordination . . . 44, §13
 penalty for disturbing peace of conceited pretences . . . 45, §14
 absence from meeting . . . 45, §15
 minister to be provided with house . . . 45, §16
 allowance for maintenance . . . 45, §17
 exemption from taxation . . . 26, §1
 heterodox, to be removed . . . 46, §18
 acts of church officers to be challenged by no one unless in full communion . . . 46, §19
 charges of . . . 22, §2
 elders exempt from tax . . . 23, §3
 members not exempt from public service . . . 55, §1
 penalty for refusal to serve, 55, §1
 children of, to be watched over . . . 233, §1
- CIDER**
 tax upon sale in public houses . . . 69, §4
 not to be sold or given to Indians . . . 76, §5
 sale of, at trainings, forbidden . . . 265, §1
- CIVIL PRIVILEGES**
 not to be abridged except by express law or word of God . . . 1, §1
- CLAIM**
 to title of real estate must be prosecuted within five years . . . 124, §1
 against insolvent estate to be proved within twelve months . . . 250, §4
- CLARK, NATHANIEL**
 appointed naval officer for Newbury and Salisbury . . . 313, §7
- CLERK OF THE BAND (see MILITIA).**
- CLERK OF COURT (see COURTS).**
- CLERK OF MARKET (see MARKET).**
- CLERK OF WRITS**
 nominated by town and confirmed by shire court . . . 29, §1
 to grant summons, etc., in civil actions . . . 29, §1
 fees . . . 29, §1
 warrants to be directed to constable . . . 29, §1
 to collect marshal's fees . . . 29, §1
 to keep record of town brand-marks, grant attachment . . . 29, §1
 to register horses for transportation . . . 65, §1
 to record births, deaths, and marriages . . . 130, §2
 to record returns made yearly to records of county court . . . 130, §2
 to keep toll-book of horses and cattle . . . 147, §1
 to notify court of resignation of executor . . . 157, §1
 to record testimony taken out of court, 158, §2
 to issue all processes in king's name, 161, §1
 to require security on granting attachment . . . 283, §6
 to take security from strangers bringing suit . . . 207, §1
 to receive tax upon cattle, etc., brought from other colonies . . . 283, §4
 repealed . . . 287, §2
 authority of signature of . . . 264, §5
- CLOTHING (see APPAREL).**
 act to encourage domestic manufacture of . . . 141,
- COASTERS, COMMON.**
 constable to present to magistrate . . . 66, §1
- COINAGE**
 mint established at Boston . . . 117, §1
 master appointed by general court . . . 117, §1
 stamp of coins prescribed . . . 117, §1
 value of alloy established . . . 117, §1
 allowance for coining . . . 117, §1
 weight of coins established . . . 117, §1
 committee of general court to establish mint . . . 118, §1
 exportation of coin prohibited . . . 118, §2
 searchers to be appointed . . . 118, §2
 powers of . . . 118, §2
 appointed by general court in certain towns . . . 118, §3
 authorized to break open chests, etc. . . 119, §3
 constables to assist . . . 119, §3
 Mexican pieces-of-eight declared to be legal currency . . . 292a
 at six shillings per ounce . . . 294, §5
- COLLECTOR OF PORT (see CUSTOMS).**
 duties of . . . 70, §3
 oath prescribed . . . 169, §33
- COLLEGE**
 Harvard, in Cambridge . . . 29, §1
 preparation of youth for . . . 136, §2
 revenue of ferry continued to . . . 30, §1
 annual allowance to president and fellows . . . 30, §1
 to be levied in addition to country rate . . . 30, §1
 students not to be entertained in public houses . . . 27, §3
 board of overseers, to make orders . . . 29, §1
 to dispose of revenues . . . 29, §1

COLLEGE, *continued.*

board of overseers, quorum of . . .	29, §1
appeal from to full board . . .	29, §1
to distribute annual allowance among president and fellows . . .	30, §1
to admit no instructors un-sound in the faith . . .	136, §3
officers liable for rates levied to pay war debt . . .	239, §20
of corporation excepted . . .	239, §20

COMMISSIONERS

of the United Colonies, elected by bal-lot, 47, §2; 274, §1	
form of com-mission . . .	163, §5
of shires, appointed to carry votes to Boston . . .	47, §3
to return names of nomi-nees to constable . . .	48, §3
in Devonshire county, powers of . . .	218, §3
of towns, three freemen appointed by court . . .	20, §1
fidelity to be approved by county court . . .	22, §4
oath prescribed . . .	166, §16
to hear small causes . . .	2, §4; 20, §1
to issue summons or attachment . . .	20, §1
to administer oaths . . .	6, §1; 20, §1
to hear no cause in which they are concerned . . .	21, §2
appeal from, to county court . . .	21, §2
to dispose of cards or dice . . .	58, §2
to fine brewers of bad beer . . .	80, §2
to punish breach of the peace . . .	11, §1
unruly children . . .	27, §2
gamesters . . .	58, §4
drunken Indians . . .	78, §11
any that are drunk . . .	81, §5
singing in public houses . . .	84, §17
profaners of the Sabbath . . .	132, §1
drinking in taverns after sunset . . .	133, §2
neglecting to watch . . .	154, §1
to designate towns through which Quakers shall be whipped and number of stripes . . .	63, 11
powers in case of suspected misde-meanor . . .	324, §1
for settlement of insolvent estates . . .	250, §4
assessment of taxes . . .	23, §3
of Boston (see BOSTON).	
of Essex, Middlesex, and Sussex, to set price of corn . . .	25, §3
of martial discipline, form of oath, 168, §26	
for holding court among the Indians, 77, §9	
for taking testimony of witnesses out of court . . .	158, §2

COMMISSIONS

to bear the public seal . . .	135, §1
of military officers (see MILITIA).	

COMMON FIELDS

no cattle to be put in until corn is out . . .	17, §1
maintenance of fence . . .	17, §1
liberty to fence in severalty . . .	17, §2
improvement of . . .	19, §7
not to be assessed for taxation . . .	23, §3
liberty to keep sheep on . . .	137, §1

COMMON FIELDS, *continued.*

to be cleared of wood and brush . . .	138, §1
restriction of privileges in towns . . .	149, §6
majority of proprietors may limit number of cattle on . . .	211, §8
penalty for keeping horses in without license . . .	209, §3

COMMONWEALTH

to read "jurisdiction" in laws prior to 1681 . . .	291, §2
--	---------

COMPANY (see MILITIA).

CONCORD

designated as frontier town . . .	247, §5
-----------------------------------	---------

CONDEMNATION (see SENTENCE).

CONFERENCE

of elders of churches . . .	43, §8
-----------------------------	--------

CONFISCATION

of light weight bread . . .	9, §1
of lands and goods for non-appearance in capital cases . . .	16, §17
of defective casks . . .	16, §1
of imported goods landed before entry, if bulk is broken . . .	67, §1
if laden or unladen in night-time . . .	298, §2
of goods and vessels trading with Indians . . .	75, §2; 247, §8
of certain provisions brought from Europe for sale, suspended . . .	106, §2
suspended . . .	239, §19
of estate of exporter of coin . . .	118, §2

CONSCIENCE (see DOCTRINE, HERESY).

liberty of, in voting . . .	153, §1
-----------------------------	---------

CONSIGNEE (see CUSTOMS).

to pay duty on imported goods . . .	70, §2
certify value to collector . . .	71, §5

CONSPIRACY

to rebel against the commonwealth punished by death . . .	15, §12
to surprise towns or forts . . .	15, §12
to subvert the frame of government, repealed, substituting "sovereign" for "commonwealth" . . .	15, §12
repealed . . .	291, §1
re-enacted, substituting "sovereign" for "commonwealth" . . .	293, §3
torture authorized to compel convict to reveal confederates . . .	129, §1
of jurors to render false verdict . . .	201, §1
oath to disclose, against sovereign . . .	262, §1

CONSTABLES

to be elected annually by towns . . .	147, §1
eligibility to office of . . .	148, §4
property qualification re-moved . . .	352, §6
oath prescribed . . .	168, §27
staff of office . . .	31, §2
when to be carried . . .	221, §7
penalty for refusal to serve when chosen . . .	55, §1; 148, §5
all attachments to be directed to, regulations for service of . . .	8, §1; 29, §2
regulations for service of . . .	220, §6
to return attachments at first forenoon of court . . .	2, §2
to levy fines . . .	13, §2
to make returns to county treasurer under penalty . . .	151, §5
to impress workmen for public works . . .	12, §3; 73, §1
to search for stolen goods . . .	13, §3
to aid commissioners of Boston . . .	22, §3
to collect town rates . . .	31, §1
to levy country rates on warrant of treasurer . . .	24, §3
penalty for neglect . . .	25, §4

CONSTABLES, *continued*.

to impress boats or carts	25, §4
levy by distress	25, §4
to account to treasurer by May 1	25, §4
to collect after expiration of term	25, §4
to inform of persons entertaining youth	27, §3
to inflict whipping or punishment ordered in their own towns	31, §1
to convey offenders	31, §2
to put forth and pursue hue and cry	31, §2
to apprehend without warrant certain offenders	31, §2
to search licensed houses	31, §2
to summon jury of inquest	39, §1
to make returns of elections of deputies to general court	41, §2
to receive and transmit votes of towns	47, §2
to impress assistance for apprehending and whipping Quakers	63, §10
to apprehend persons found at a Quakers' meeting	234, §4; 250, §3
to take notice of idle persons	66, §1
present list of, to selectmen	236, §10
to warn jurors	86, §1
to seize mal, etc., brought from Europe for sale	106, §2
repealed	106, §3
to hang sheep-killing dog	138, §2
in port towns to notify vessels to report passengers on arrival	143, §1
to notify courts of strangers admitted without license	144, §1
to serve all warrants of selectmen	150, §8
to apprehend vagabonds	153, §1
to order watch	154, §1
to provide standard weights and measures for towns	155, §1
to verify tally of wolves killed	160, §3
to require artificers to labor at harvest, on request	161, §1
to arrest delinquent soldiers on officer's warrant	204, §3
to make quarterly list of persons who have not taken oath of fidelity	257, §1
to convene inhabitants to take oath of allegiance	263, §2
to read the Sabbath laws at some public meeting	272, §10
to seize liquor on sale at trainings	265, §1
to assist tithing-man	275, §4
to present names of persons racing horses for money	347, §1
to furnish information of single women entertaining lodgers	216, §4
penalty for refusal of citizens to assist	31, §2
proceedings in cases of resistance of drunkard to assist	81, §5
allowance from fees to marshal-general	103, §5
order for settlement of accounts of, in corn	296a
question as to authority, resolved	288, §3
military commissioned officers exempt from service as	352, §7
fine for refusal to serve, in Salem	247, §6

CONTEMPT OF COURT
 not bailable 74, §1
 failure to appear to answer presentment of grand jury 88, §6

CONTRACTS (see **DEBT**).
 to be satisfied in goods or money as specified 120, §1

CONTRACTS, *continued*.

corn, etc., no longer acceptable in place of money	121, §2
--	---------

CONVEYANCES (see **DEEDS**).
 act concerning 32, §1
 form prescribed 353, §1

COOK-SHOP
 must be licensed 84, §18

COOPERS (see **CASK**).
 to have a distinct brand-mark on his own casks 16, §1
 staves, length and quality prescribed, 17, §1

COPULATION
 with beasts, punished by death 14, §7
 with maid or single woman 15, §15
 with child under 10 years of age 15, §16

CORD
 of wood, measurement established 160, §1

CORN
 taxes payable in 24, §3
 price to be set 24, §3
 when taken in distress, security to be given 41, §1
 use of, in election of assistants 47, §1
 penalty for wanton destruction 51, §1
 servants' and workmen's wages to be paid in 105, §5
 acceptable for county taxes at country rates 152, §5
 measurers of, appointed 156, §2
 cornfields, maintenance of fence about 17, §1
 insufficiently fenced, no damage by trespass 20, §1
 of Indians to be protected 76, §7
 of absent soldiers to be cultivated 245, §1

CORPORAL PUNISHMENT (see **TORTURE, WHIPPING**).

COUNCIL OF THE COMMON-WEALTH
 comprised of governor and assistants, to be called by letters from governor, seven, including governor or deputy, to have power to act 33, §1
 in extraordinary cases, as many as may assemble 34, §1
 power to impress soldiers, etc. 34, §1
 to reprieve condemned malefactor 35, §4
 to determine doubtful cases of customs duties 72, §12
 to abate military fines 246, §2
 to grant liberty to persons of military age to leave town 248, §10

COUNSEL
 not to be sought of magistrate who is to hear the cause 34, §1

COUNTY (see **COUNTY COURT, COMMISSIONERS, MILITIA**).
 to provide a house of correction 127, §2
 of Devonshire, established 218, §3
 provision for court in 221, §9
 accounts of, for Indian war, to be audited at Boston 248a
 to pay bounty for wolves killed 160, §3
 not liable if killed in another county 325, §4
 meeting-houses erected without authority, forfeit to 267, §9

COUNTY COURTS (see **MAGISTRATES, ASSOCIATES, ACTIONS, WITNESSES**).
 to be held by resident magistrates 36, §7
 number of judges 36, §7
 jurisdiction of 36, §7

COUNTY COURTS, *continued.*

- to determine settlement of paupers 123, §1
to refer difficult questions to general court 38, §11
disagreed cases to go to court of assistants 87, §4
to appoint clerks and other officers 36, §7
 summon juries, etc. 36, §7
times and places of holding 37, §7
special courts for strangers 38, §8
to appoint commissioners to hear small causes 20, §1; 22, §4
associates for 21, §2
 appointed by general court 36, §7
appeal to, in small causes 21, §2
to appoint trustees of public legacies and gifts and require accounting 9, §1
to apportion charges for repairs of bridges 12, §1
may admit church-members to be freemen 38, §12
to fix minister's allowance 45, §17
 appeal from assessment 46, §17
to purge towns of heterodoxy 46, §18
to maintain the ministry 46, §18
to judge heretics 50, §2
to question and censure publisher of heterodox doctrines 61, §8
to license erection of meeting-houses 267, §9
to appoint persons to lay out country highways 64, §1
to order removal of obstructions upon highways 65, §3
to punish idle persons 66, §1
 excess in apparel 233, §3
to impose fine upon grand juries neglecting duty 233, §3
to license packers of sturgeons 209, §4
to appoint searchers of 210, §4
to order new execution in case of fraud 215, §1
to set the time a debtor must serve in satisfaction 305, §4
to license innkeepers 79, §1; 84, §16
 number limited, 235, §3
to punish violation of license 352, §3
to hear appeals from sentence of magistrate for lying 92, §1
may authorize residence of married person whose husband or wife resides abroad 101, §4
to compel restitution for overcharge by merchants 236, §11
to determine rate of wages in case of difference 105, §4
to appoint searchers of coin 118, §2
to appoint master of house of correction 127, §3
to judge profaners of the Sabbath, 133, §1; 134, §4
to record finding of lost goods and stray beasts 142, §2
to take probation of wills 157, §1
to divide estate of intestate 158, §3
to appoint commissioners to settle insolvent estates 250, §4
to empower heirs, etc., to sign deed of sale 296, §11
powers with reference to execution of wills 330, §5; 333, §1
appeal to, from disposition of selectmen 148, §3

COUNTY COURTS, *continued.*

- commissioners to have powers of, among Indians 77, §9
acts of an associate and magistrate valid 208, §2
question as to legality of judgment at adjourned session, resolved 288, §5
adjournment of 39, §1
in Dover and Plymouth, appeal to 4, §1
in Devonshire, established 218, §3
 provision for holding, 221, §9
clerk of, to return reason of appeal to court of assistants 4, §2
to sign warrants for judgments, 30, §2
fee for recording judgments 37, §7
to certify names of freemen to secretary 38, §12
to record names of such as take oath of fidelity 258, §1
to return all fines to treasurer within fourteen days 51, §1
to issue warrant for jurors 86, §1
to record returns of executions by marshal 102, §2
to record judgments, evidence, verdicts, etc. 129, §1
fees for entry and transcribing, 130, §1
to keep books of account of fines 151, §4
to record wills offered for probate 157, §1
with two magistrates, to allow probate in vacation of court 158, §2
with two magistrates, to grant administration on estate of intestate 158, §2
to issue all writs, etc., in king's name 161, §1
 form of oath prescribed 215, §2
COURTS (see GENERAL COURT, COUNTY COURT, ACTIONS, MAGISTRATES, ASSOCIATES).
liberty of speech and petition in 90, §1
contempt of, how punished 36, §6
officers of, exempt from military service 109, §9
minority may have dissent recorded, 128, §1
person under indictment to be tried at next court 38, §10
verdict of jury to be final 201, §1
clerk's oath prescribed 215, §2
COURTSHIP (see MARRIAGE).
of maid, forbidden without previous consent of parents 101, §3
COVENANT (see OATH).
CREDITOR (see DEBT).
to prosecute claim with in three years, 40, §1
to present claim against insolvent estate within one year 250, §4
to receive satisfaction in goods or money according to contract 120, §1
may imprison debtor 121, §1
 levy on goods 121, §1
CRIMINAL CASES (see AGE, BAIL, BURGLARY, CAPITAL CRIMES).
all persons liable to answer without regard to age 2, §1
CRUELTY (see PUNISHMENT, TORTURE).
to animals forbidden 39, §1
of master to servant 105, §6
barbarous and cruel punishment forbidden 129, §1
CULLERS OF BRICKS
towns to appoint yearly 521, §4

CURRIER (see LEATHER, HIDES).	
forbidden to act as tanner	88, §1
penalty for producing inferior leather, can receive no unwrought leather unless sealed	89, §3 212, §13
CURSING (see PROFANE SWEARING).	
of any person or creature, penalty	145, §2
CUSTOM	
not to prevail in any moral case against the word of God	126, §1
CUSTOMS (see EXPORTS, IMPORTS).	
collection of	67, §1
recoverable by action at law	68, §2
payable in money	70, §5
officer of, and deputy	68, §1
powers and duties	68, §2
constables and others to assist, to collect harbor dues	68, §2 69, §3
collector, empowered by treasurer	70, §3
oath prescribed	169, §33
to mark parcels	70, §4
to receive certified invoices, to levy duty by distress	71, §5 71, §6
to rate goods improperly invoiced	71, §7
wines and liquors, entry of, 67, §1;	70, §5; 329, §1

CUSTOMS, continued.	
wines and liquors, rates upon	68, §1; 253, §10
goods and provisions, ratable as other estates	70, §1
valuation of	70, §2
after payment, not to be again rated the same year	72, §11
master or purser to certify goods to collector	70, §3
parcels to be marked with name of consignee	70, §4
value to be certified	71, §5
duty to be levied by distress on failure to pay	71, §6
penalty for falsifying invoice	71, §7
special duty on European malt, export charges, on cattle	209, §1 71, §8
goods, hides, etc.	71, §9
law of 1668 repealed	72, §12
law to be published in Boston and Charlestown	72, §12
Pascataqua river, questions concerning collections in	72, §14
CUTTS, RICHARD	
appointed receiver of fortification dues at Pascataqua	140, §5

D

DAMAGES	
claim for excessive	3, §8
in actions of trespass	2, §3
may be recovered by ship-master from person furnishing unwholesome beer	11, §1
for injury by defective highway, etc.	12, §2
by trespass of cattle	18, §3
of goats	18, §4
of swine or calves, 20, §1,	145, §2
by reason of insufficient fences	20, §1
not exceeding 40 shillings, may be determined by magistrate or commissioners	20, §1
by negligence of master of vessel	96, §11
by fouling at moorage	96, §12
by collision with vessel at anchor	97, §13
of goods at sea	97, §16
DANCING	
forbidden in public houses	57, §1
DANFORTH, JONATHAN	
appointed surveyor of land	296, §9
DEATH (see CAPITAL CRIMES, CAPITAL PUNISHMENT).	
untimely inquest upon	39, §1
record of	130, §2
to be reported to clerk of writs	130, §2
DEBT (see ARREST, ASSIGNEE).	
imprisonment for	6, §2
liberty, on bail	7, §1
assignee to recover as fully as assignor, suit for, to 40 shillings, may be heard by magistrate or commissioners	10, §1 20, §1
not recoverable of minors	27, §4
of sailors, by inn-keeper	131, §1
for liquor, by inn-keeper	271, §6
outstanding on books to be balanced within three years	39, §1
unless prosecuted in court,	40, §1
time extended, 204, §1, 219, §1;	253, §9
repealed	266, §6

DEBT, continued.	
to be paid in kind, according to contract	120, §1
corn, etc., no longer acceptable in place of money	121, §2
payable in wampum to 40 shillings	154, §1
rate of interest on, established	153, §1
delivery into service for	305, §5
against estate of deceased, when executors are liable for	157, §1
DEDHAM	
searchers of coin appointed	118, §3
DEEDS (see ESTATES, LANDS).	
sale of house or land not valid without	32, §1
to be recorded	32, §1
exceptions	32, §2
form of, prescribed	32, §2; 353, §1
invalid when obtained by force	32, §3
when fraudulent	32, §3
when grantor remains in possession, invalid unless recorded	33, §4
penalty for refusal to acknowledge	33, §4
clerk of shire court to enter	33, §4
grantor may enter caution	33, §4
penalty for forging	54, §1
record of	170, §1
transcript of	131, §3
DEFAMATION	
of courts or magistrates	36, §1
by reproachful speeches in open court	26, §6
county court to hear appealed cases of	21, §2
DEFENDANT (see ACTIONS).	
age for	2, §1
outside jurisdiction of court	7, §1
service of summons upon	7, §2
with consent of plaintiff, may choose manner of trial	152, §2
may challenge jurors	152, §3
penalty for seeking advice of sitting magistrates	34, §1

- DEPUTIES** (see **GENERAL COURT, ELECTIONS**).
- to general court, towns to send . . . 35, §3
 - allotment of . . . 40, §1
 - freemen to choose
 - by ballot . . . 40, §1
 - oath . . . 34, §1
 - duties and powers . . . 34, §2; 40, §1
 - misconduct of . . . 36, §6
 - not required to be resident of towns where chosen . . . 40, §2
 - power to determine election of members when met in general court . . . 40, §2
 - to hold office for one year only . . . 41, §2
 - must be Orthodox Protestant . . . 41, §2
 - penalty for absence from sessions . . . 41, §2
 - attorneys in inferior courts ineligible . . . 41, §2
 - to receive and transmit vote of town
 - for assistants, etc. . . . 47, §2
 - for general officers . . . 274, §1
 - may present petitions without fee . . . 121, §1
 - exempt from military service . . . 109, §9
 - from constable's watch . . . 155, §2
 - from ferriage tolls . . . 50, §1
 - clerk of, to enter petitions and receive fees for . . . 121, §1
- DEPUTY GOVERNOR**
- elected by ballot . . . 47, §2; 274, §1; 282, §3
 - oath prescribed . . . 164, §9
 - to be member of board of overseers of Harvard college . . . 29, §1
 - power, with governor, to reprieve condemned malefactor . . . 35, §4
 - to call general court upon urgent occasions . . . 35, §5
 - to call court of assistants for trial of capital cases . . . 36, §7
 - to hold special court for strangers . . . 37, §8
- DESERTED TOWNS**
- regulations of resettlement . . . 267, §10
- DESEPTION**
- in time of war, penalty . . . 230, §6
- DEVONSHIRE**
- county of, established . . . 218, §3
 - provision for court in . . . 221, §9
- DICE** (see **GAMING**).
- penalty for playing at . . . 58, §1
 - for bringing into the colony . . . 58, §2
- DISABILITY**
- as penalty for forgery . . . 54, §1
- DISBURSEMENTS**
- for Indian war, committees to audit . . . 248 a
 - rates established . . . 253, §12
- DISFRANCHISEMENT**
- for defamation of magistrates . . . 36, §6
- DISSENT**
- of minority of court, etc., to be recorded . . . 128, §1
- DISSOLUTION** (see **ADJOURNMENT**).
- DISTILLER**
- to be licensed by county court . . . 84, §16
- DISTRESS**
- of goods or estate for taxes . . . 24, §3
 - of perishable produce, security for . . . 41, §1
 - for non-payment of customs dues . . . 71, §6
 - of goods or vessels for non-payment of fortification dues . . . 140, §5
- DISTRESS, continued.**
- towns may levy penalties by . . . 147, §1
 - sealer of weights and measures to levy fines by . . . 156, §1
- DISTURBANCE**
- in public house . . . 84, §16; 250, §1
 - in house of worship . . . 234, §6
- DIVORCE**
- to be tried before court of assistants
 - at Boston . . . 36, §7
 - woman, when innocent, to retain right of dowry . . . 42, §1
- DOCTRINE** (see **CHURCH, HERESY**).
- freedom of . . . 43, §6
 - determination as to orthodoxy . . . 44, §13
 - penalty of open disparagement . . . 44, §13
 - heterodoxy . . . 46, §18
 - errors of, defined, with penalty . . . 59, §1
 - penalty for denying the Scriptures to be the word of God . . . 59, §2
 - for second offence . . . 60, §2
 - erroneous, county court to censure the publisher of . . . 61, §8
 - certificate of orthodoxy required of freemen . . . 56, §2
 - of excommunication by Pope repudiated . . . 262, §1
- DOGS**
- to be hanged for sheep-killing . . . 138, §2
- DORCHESTER**
- fairs established . . . 49, §1
 - powder-mill at . . . 237, §15
- DOVER**
- appeal from court of associates in . . . 4, §1
 - deputies to general court, special provision for . . . 35, §3
 - county court of Piscataqua to be held in . . . 37, §7
- DOWRY** (see **INHERITANCE, DIVORCE, WIDOW**).
- one-third part of real property to be set out for widow . . . 42, §1
 - in case of neglect for one month, the court to make such allotment . . . 42, §1
 - widow to maintain such property in repair . . . 42, §1
- DROVER**
- liberty to rest and feed cattle in unenclosed land . . . 42, §1
- DRUMMER** (see **MILITIA**).
- to be chosen by commissioned officers . . . 272, §11
 - penalty for refusal to serve . . . 272, §11
- DRUNKENNESS**
- among Indians . . . 77, §11
 - in public houses, penalty . . . 80, §4
 - attempt to escape arrest for . . . 80, §5
 - in camp, penalty . . . 230, §12
- DUCKING-STOOL**
- used in punishment for railing or scolding . . . 206, §1
- DUDLEY, JOSEPH**
- member of committee on soldiers' relief . . . 247, §7
- DUDLEY, PAUL**
- appointed collector of port dues for Boston and Charlestown . . . 271, §9
- DURESS**
- deeds invalid when obtained under . . . 32, §3
- DUTCHMEN**
- forbidden to trade with Indians . . . 75, §2

E

- ECCLESIASTICAL** (see HERESY, DOCTRINE).
 laws 43
 errors of doctrine defined, with penalty 59, §1
- ELDERS**
 to meet in conference 43, §8
 charges of, when employed by order of general court, to be paid by treasurer 44, §13
 notice of ordination to be given 44, §13
 of Cambridge, Watertown, Charlestown, Boston, Roxbury, and Dorchester, to be members of board of overseers of Harvard College 29, §1
 exempted from keeping arms 109, §7
 from military service 109, §9
 from constable's watch 155, §2
 rights of, on ferries 50, §2
 to watch over children of the church. 233, §1
- ELECTIONS** (see BALLOT).
 of general officers 35, §3; 274, §1;
 282, §3
 by ballot 47, §2
 of assistants by Indian corn and beans 47, §1
 of deputies 40, §1
 freemen to attend without summons, court of, at Boston, to receive proxies sealed 47, §2
 nomination of magistrates 47, §3
 commissioner to declare the candidates, 48, §3
 Quakers and non-attendants on public worship disfranchised 48, §5
- EMBEZZLEMENT**
 by servants and workmen from masters 13, §1
 by master of vessel 94, §4
 by executors or administrators 157, §1
- ENGLISHMEN**
 no others to purchase estate sold by order of court 6, §1
 qualifications as freemen 56, §2
 exempted from customs duties 67, §1
 from harbor dues 69, §3
- ENLISTMENT** (see MILITIA).
- ENTRY** (see ACTIONS).
- EQUITY**
 to be determined by the bench 86, §1
- ERROR** (see HERESY, DOCTRINE, ORTHODOX).
 of doctrine, defined, with penalty 59, §1
 in verdict, jury may be attainted 201, §1
- ESCHEAT**
 unclaimed property to be seized to the public treasury 49, §1
- ESSEX**
 commissioners of, to set prices of corn 27, §3
 time and place of holding county court 37, §7
 market-day established 49, §1
 command of militia in 107, §1
 date of regimental meetings 116, §22
 committee appointed to examine war rates 248 a
- ESTATE** (see AGE, ARREST, DEEDS, ADMINISTRATOR, INTESTATE, TAXES).
 liberty to dispose of 1, §1
 assessment of 23, §2
 in England exempt from tax 25, §3
 of ministers 26, §1
- ESTATE, continued.**
 fee for entry of orders concerning
 intestate 130, §1
 insolvent, administration of 250, §4
 of children under guardianship 211, §11
 of insane, to be managed by selectmen 248, §9
 heirs, etc., may be empowered to sign deeds of sale 296, §11
 form of conveyance 353, §1
- EVIDENCE**
 of Indian valid against person furnishing liquors 78, §11
 in cases of illegal sales of liquor 83, §13
 new, may warrant new trial 152, §1
- EXCISE**
 on cider, ale, etc. 69, §4
 sworn returns to be made monthly or weekly 69, §4
- EXCOMMUNICATION**
 denial of power of Pope in 262, §1
- EXECUTION** (see ARREST, ATTACHMENT).
 not to be granted till 12 hours after judgment 3, §1
 plaintiff to give receipt for 7, §1
 warrant for, to be signed by clerk of court 30, §1
 for death, to be signed by secretary 30, §1
 may be directed to marshal general 324, §2
 to be levied by marshal 102, §2
 not by deputy 220, §4
 may break open house 103, §7
 include charges in levy, 104, §8
 to be recorded by clerk 103, §2;
 220, §5
 form of, prescribed 320, §2
 to issue against goods, and for want thereof, the person 313, §3
 upon person for debt, county court
 must approve 305, §5
 security be given 283, §6
 to hold only against person summoned 288, §6
 against person who dies, to hold against estate 288, §6
 failure to take out within one month after judgment releases attachments 144, §1
 goods exempted from 104, §8
 respite of, in case jury is attainted 201, §1
 if frustrated by fraud, a new one to issue 214, §1
- EXECUTIONER, COMMON**
 to burn books of Reeves and Muggleton 60, §3
- EXECUTORS**
 to bring suit as such 8, §1
 to make probate of will at next county court 157, §1
 liable for debts of estate in case of neglect 157, §1
 notice of resignation of executorship 157, §1
 of intestate, next of kin to be appointed 158, §2
 accountability to county court 330, §5;
 333, §1
- EXEMPTION**
 from restriction of apparel 5, §1
 from servitude 10, §2
 from public charges 22, §1

EXEMPTION, *continued.*

from county rates	23, §3
from all taxation	26, §1
from levy by distress	41, §1; 104, §8
from voting	48, §5; 153, §1
from payment of ferry tolls	50, §1
from import tax	67, §1
from impressment	73, §2
from imprisonment	74, §1; 161, §1
from escheats and forfeitures	88, §1
from providing arms	109, §7
from military service	109, §9
from obligation of oath	119, §1
from cruel punishment	129, §1

EXEMPTION, *continued.*

from arrest, sailors	134, §1
from constable's watch	155, §2
from service as constable	352, §7
EXETER	
designated as frontier town	247, §5
EXPORT (see CUSTOMS).	
of raw hides prohibited	64, §1
coin	118, §2
sheep's wool	219, §2
raccoon's fur	220, §3
provisions	239, §21
repealed	264, §6

F

FAITH (see DOCTRINE, HERESY).

FAIRS

dates and places of holding	49, §1
---------------------------------------	--------

FALSE-WITNESS (see PERJURY).

FARMS

to be of the same town in which they lie	49, §1
exemption of distant farmers from attendance on trainings	109, §9

FASTING (see CHURCHES).

day of, to be celebrated by churches. every person to attend worship	43, §7 45, §15
--	-------------------

FEES

for entry of actions (see ACTIONS).	
of special town officers (see under title of office).	
of marshal	103, §4
of clerk of court for recording	130, §1
of clerk of writs for recording births, etc.	130, §2
of clerk of writs for registering horses	65, §1

FENCES

about common fields, to be maintained by occupiers	17, §1
selectmen may order in case of disagreement	17, §2
selectmen to make orders for repairing, etc.	19, §6
penalty for neglect of warning	19, §6
between adjoining lands, expense of, how valued	19, §7
between house-lots	20, §1
no damage for trespass on ground insufficiently fenced	20, §1
Indians to receive help of town in constructing	76, §7
what are sufficient against swine	145, §2
penalty for breaking down	330, §2

FENCE-VIEWERS

selectmen to appoint	19, §6
fees to be levied upon corn or other estate	19, §6

FERRY

between Charlestown and Boston, revenue continued to Harvard college	30, §1
grants to include sole right of carrying passengers	50, §1
canoes not to be used	50, §1
men may pass in their own boats	50, §1
fares at Weymouth established	50, §1
at night double	50, §1
magistrates and deputies free	50, §1
regulations against overloading and of precedence in service	50, §2

FIDELITY

oath of, form prescribed	163, §6
required of inhabitants and strangers	257, §1
refusal of, to cause forfeiture of civil rights	258, §1; 340, §4

FIFTH COMMANDMENT (see PAR-
ENTS, CHILDREN).

order for observance of	235, §9
-----------------------------------	---------

FINES

for misdemeanors (see under titles of offences).	
to be paid forthwith	51, §1
provisions for collection in default of payment	51, §1
remission of by court	51, §1
secretary and clerks to account to treasurer	151, §4

FIRES (see ARSON).

regulations for kindling in woods or common ground	51, §1
penalty for wanton destruction by	51, §2
for firing barn, etc.	51, §2
dwelling-house, etc.	52, §2

FISH (see CASKS, FISHERMEN).

assize of cask for packing	16, §1
cullers of fish to be appointed	52, §2
oath prescribed	170, §34
duties and powers	53, §2
fees	53, §2
unmerchable	53, §2
by reason of use of Turtoodas salt	54, §6
not to be taken in spawning-time	53, §4
mackerel, for salting, not before July	53, §5
whale or great fish cast ashore to belong to the country	161, §1
regulation of pickling sturgeon	209, §4

FISHERMEN (see FISH).

to use harbors and lands adjoining for drying fish	52, §1
regulations for taking firewood	52, §1
discrimination against foreigners	52, §1
explanatory and repealing act	53, §3
liberty to cut flakes regulated	53, §3
regulation of crews	53, §4
must complete voyage for which they have shipped	266, §5
exempt from military service	109, §9
must attend training when at home	209, §2

FISHING.

great ponds to be reserved for public use	91, §2
---	--------

FISHER, ENSIGN

appointed searcher of coin in Dedham, 118, §3	
---	--

FISK, DAVID
 appointed surveyor of land . . . 296, §9

FLINT, JOHN
 appointed surveyor of land . . . 296, §9

FLINTS
 towns to provide for soldiers . . . 237, §13

FOREIGNER (see **ARREST, ATTACHMENT, ACTION**).
 debtor's estate not to be sold to . . . 6, §1
 must give security in action against a settled inhabitant . . . 7, §1
 forbidden to trade with Indians . . . 75, §2
 liberty of speech and petition . . . 90, §1

FORFEITURE
 of raw hides delivered on ship for export . . . 64, §1
 of condemned leather, etc. . . . 90, §5
 of pork bearing ear-marks offered for sale by Indians . . . 206, §1
 of wool shipped for exportation . . . 219, §2
 of raccoon furs and skins . . . 220, §3

FORGERY
 penalty for 54, §1

FORMS
 prescribed for oaths, etc. . . . 162

FORNICATION (see **BASTARD, BROTH-EL, WHOREDOM**).
 penalty for 54, §1
 disfranchisement at discretion of the court 54, §2
 provision for bastard child 55, §3
 punishment for bawdy conduct . . . 208, §3
 by soldier, penalty 230, §14

FORTIFICATIONS
 committee of militia and selectmen to keep in repairs 111, §11
 foreign traders to contribute powder or money in support of 140, §5
 provision for repair of, at Boston, etc. . 203, §2

FOURTH COMMANDMENT (see **LORD'S DAY**).
 penalty for denying morality of . . . 59, §1

FOWLERS
 unprofitable, to be presented to magistrate 66, §1

FREEDOM OF THE COMMONWEALTH
 (see **FREEMEN**).
 conditions of eligibility to . . . 56, §2; 210, §5

FREEHOLDERS
 of orthodox faith to be made freemen, . 56, §2

FREEMEN
 must be members of church . . . 38, §12; 43, §2; 55, §1; 56, §1

GALLOPING
 in streets of Boston forbidden . . . 57, §1

GAMING
 shuffleboard, bowling, &c., forbidden in public houses 57, §1
 for money, in any place 57, §1
 with cards or dice 58, §1
 penalty for having implements in possession 58, §2
 by soldiers, with loss of arms . . . 231, §18
 by running horses, forbidden . . . 347, §1

GARRISON
 committee of militia to establish . . . 227, §4
 order regulating 232, §1
 harvested grain to be placed under protection of 240, §25
 no person of military age to leave town without permission from commander of 240, §10

FREEMEN, continued.
 repeal of church membership qualification 56, §2
 substitute qualifications . . . 56, §2; 210, §5

general court to decide upon applications 56, §2
 county court to administer oath . . . 56, §3
 form of 163, §7
 names to be certified to secretary . . 38, §12
 copy of records of names to be furnished 38, §12
 to choose deputies to general court, every freeman to vote . . . 40, §1
 eligible to election as deputy . . . 40, §2
 penalty for voting for improper person as deputy 41, §2
 penalty for refusing public service . . 55, §1
 disfranchised for non-attendance on public worship 48, §5
 to elect assistants by corn and beans, general officers by ballot . . . 47, §2
 to nominate magistrates 47, §3
 to discharge general officers 48, §4
 powers of, in towns 147, §1
 penalty for offensive conduct at town meeting 147, §1
 to fix rates of wages in towns . . . 104, §4
 to protect servant fleeing from cruel master 105, §6
 consent of, required for erection of meeting-house 267, §9
 of seaport towns to choose a seizer of hides 205, §2
 in county, to choose treasurer . . . 150, §2

FREIGHT
 to be satisfied out of goods in default of payment 206, §2

FRENCHMEN
 forbidden to trade with Indians . . . 75, §2

FRONTIER TOWNS
 designated 247, §5
 to establish garrisons; to maintain scouts 246, §5
 to send aid to each other 247, §5

FUGITIVES
 from justice, charges for apprehending 31, §2
 of Christian faith to be succored . . 143, §1

FURS
 customs regulations concerning . . . 71, §9
 trade in, with Indians, prohibited . . 75, §4
 of raccoon not to be exported . . . 220, §3

G

GAUGER (see **CASK, PACKER**).
 of casks, to be appointed annually . . 16, §1
 to mark casks of due assize 16, §1
 to pack in no defective cask 16, §1
 fees 16, §1
 act explanatory and additional . . . 283, §5

GENERAL COURT
 to consist of magistrates and deputies . 34, §1
 provision for election of, . . . 35, §3; 282, §3
 to be called by governor when important business requires . . . 33, §1; 35, §5
 form of deputy's oath prescribed . . 34, §1
 magistrates and deputies to sit apart, except in case of difference . . . 35, §2
 deputies to determine election of their members 40, §2
 either chamber may originate business, majority of both necessary to an act to dissolution or adjournment, . . . 35, §2

GENERAL COURT, <i>continued.</i>	
governor to have casting vote . . .	35, §6
members not to depart without permission . . .	35, §3
misconduct of . . .	36, §6
powers and duties, act concerning . . .	34, §1
to judge cases by the word of God, to resolve cases presented from inferior courts . . .	3, §1; 38, §11
final appeal to . . .	152, §1
to pardon condemned malefactor . . .	35, §4
to grant benevolences . . .	9, §1
to appoint brand marks for towns . . .	18, §1
to set price for corn receivable for taxes . . .	24, §3
to send persons abroad on public business . . .	35, §4
allowances of, fixed . . .	213, §2
to appoint magistrates to hold county court . . .	36, §7
to try cases of voting for improper persons as deputies . . .	41, §2
to determine applications to be made freemen . . .	56, §2
to grant title to lands . . .	74, §1
to appoint master of the mint . . .	117, §1
to order disposition of any whale cast ashore . . .	161, §1
to license erection of meeting-houses, to approve preachers and elders . . .	267, §9
petitions to, when receivable . . .	44, §13
copy of special orders to be especially delivered . . .	121, §1
publication of orders, printed or written . . .	132, §5
at close of each session . . .	210, §7
secretary of, to keep book of account of fines . . .	151, §4
GENERAL OFFICERS (see ELECTIONS).	
definition of . . .	48, §4
choice and discharge of . . .	48, §1
election by ballot . . .	47, §2; 274, §1; 282, §3
GERRISH, BENJAMIN	
appointed naval officer at Salem, . . .	290, §3; 313, §6
GIFTS (see BENEVOLENCE, LEGACIES, GRANTS).	
by authority of general court . . .	9, §1

GIFTS, <i>continued.</i>	
by citizens for educational purposes . . .	9, §1
county courts to appoint trustees to Harvard College, disposal and management of . . .	9, §1
. . .	29, §1
GLOUCESTER	
shipping officer appointed . . .	139, §3
number of licenses to be granted . . .	351, §2
GOATS	
double damage for trespass by . . .	18, §4
rated for taxation . . .	23, §3
GOFFE, CHRISTOPHER	
proclaimed pirate . . .	355, §1
GOVERNOR	
elected by ballot . . .	47, §2; 274, §1; 282, §3
oath prescribed . . .	164, §5
to be member of board of overseers of Harvard College . . .	29, §1
to hold special court for strangers . . .	37, §8
power, with deputy, to relieve condemned malefactor . . .	35, §4
to call general court upon urgent occasion . . .	35, §5
to have casting vote in court of assistants and general court . . .	35, §6
to censure magistrate using unseemly language in court . . .	36, §6
to call court of assistants for trial of capital cases . . .	36, §7
to appoint a private mark for coinage every three months . . .	117, §1
to appoint surveyors of vessels in construction . . .	138, §1
GRANTS	
of benevolence by general court not to be made except when there is a surplus in the treasury above indebtedness . . .	9, §1
of land by towns are in fee simple . . .	353, §1
confirmation of . . .	354, §2
to be surveyed . . .	296, §9
committee appointed to examine . . .	296, §6
GUARDIAN	
age to make choice of . . .	1, §1
to plead for ward . . .	2, §1
to bring suit . . .	8, §1
full power over estate of ward, . . .	211, §11
to give bonds to court . . .	212, §11

H

HAIR	
penalty for wearing long . . .	233, §2
HAMPSHIRE	
time and place of holding county court . . .	37, §7
date of regimental meetings . . .	116, §22
compensation of major, . . .	116, §22
committee appointed to examine war rates . . .	248a
special committee appointed to examine lands for taxation . . .	296b
HAMPTON	
county court for Norfolk to be held in . . .	37, §7
HARBOR (see VESSELS).	
no ballast to be cast into . . .	9, §1
dues collectable from strange ships . . .	69, §3
foreign traders to have free access . . .	139, §2
port charges . . .	140, §5
regulation of anchorage at Boston . . .	157, §2
penalty for casting dirt into cove . . .	157, §3
HARVARD COLLEGE (see COLLEGE).	
act concerning management of . . .	29, §1

HARVARD COLLEGE, <i>continued.</i>	
president, etc., exempted from keeping arms . . .	109, §7
from military service, . . .	109, §9
HAVERHILL	
designated as frontier town . . .	247, §5
enlistment of troopers in . . .	313, §4
HANLEY, JOSEPH	
appointed surveyor of land . . .	296, §9
HAWTHORNE, WILLIAM	
appointed receiver of fortifications dues at Salem and Marblehead . . .	140, §5
HAY	
when taken in distress, security to be given . . .	41, §1
HEIRS (see WILLS, INHERITANCE).	
of intestate, division of estate among . . .	158, §3
HERDSMEN	
exempt from military service . . .	109, §9
HEREDITAMENTS (see HOUSES, LANDS, DEEDS, MORTGAGES, INHERITANCE).	

- HERESY** (see **CHURCH, DOCTRINES, HETERODOX, QUAKERS**),
 definition of 59, §1
 punished by banishment 59, §1
 Anabaptists 59, §1
 penalty for denial of Scriptures to be word of God 59, §2
 books of Reeves and Muggleton to be burned 60, §1
 Quakers, etc., forbidden entrance to the colony 60, §1
- HETERODOXY** (see **CHURCH, DOCTRINE, HERESY**),
 publishers of, to be censured 61, §8
 teachers unsound in the faith not to be employed 136, §3
- HIDES** (see **CARRIERS, LEATHER, TANNERS**),
 export duties on 71, §9
 raw, not to be exported 64, §1; 265, §2
 tanners only may buy 89, §1
 repealed 205, §1
 penalty for neglect to properly dress 64, §2
- HIGHWAYS**
 in country, to be laid out with advice of adjoining towns 64, §1
 not to be laid through orchards, etc. 64, §1
 width of, in common grounds, etc. 64, §1
 repair of bridges upon 12, §1
 towns to satisfy damages to private property 64, §1
 in towns, to be laid out by selectmen, responsibility for injury by defect in 12, §2
 damages to be satisfied 65, §2
 workmen may be impressed to repair 12, §3
 no person to be charged with repair of, through his own ground 65, §3
 removal of gates or rails erected upon 65, §3
 racing horses on, forbidden, 347, §1
 surveyors of, elected annually by towns, 147, §1
 penalty for refusing to serve 55, §1
- HIGHWAY ROBBERY** (see **ROBBERY**).
- HINGHAM**
 number of licenses to be granted 351, §2
- HOGSHEAD** (see **CASK**),
 length and quality of staves prescribed, 17, §1
- HOLIDAYS**
 observance of Fast, Thanksgiving, etc., enjoined 43, §7
 of Christmas forbidden 57, §2
 repealed 291, §2
- IDIOTS**
 allowance in trials at law 152, §4
- IDLENESS** (see **HOUSE OF CORRECTION**),
 includes neglecters of their families, 66, §1
 punishment of 66, §1; 236, §10
 constables to take notice of 66, §1
 tithing-men to report 294, §4
- IDOLATRY**
 punished by death 14, §1
- IMMORTALITY OF SOUL** (see **HERESY**),
 penalty for denying 59, §1
- HORSES**
 penalty for use without leave of owner, 19, §5
 rate of assessment for taxation 23, §3;
 253, §11
 penalty for galloping in streets of Boston 57, §1
 of strangers, to be provided for by inn-keepers 82, §10
 for transportation by ship, to be registered by clerk of writs 65, §1
 not to be sold to Indians 65, §1
 stallions not to run on common unless approved by selectmen 66, §2
 not to be taken up as astray from April to December 142, §1
 all sales to be recorded in toll book 147, §1
 penalty for going unfettered 200, §3
 rate of hire for country's use fixed 246, §4;
 254, §12
 racing for money forbidden within limits 347, §1
 tax upon, when brought from other colonies 283, §1
 repealed 287, §2
- HOUSEHOLDERS**
 qualifications as freemen 56, §2
- HOUSE** (see **ESTATE**),
 firing of, capital crime 52, §2
 undisputed occupancy for five years to confer title 124, §1
 to be allotted to no stranger without license 143, §1
- HOUSE OF CORRECTION**
 each county to provide 127, §2
 county court to appoint a master 127, §3
 regimen and discipline of 127, §3
 commitments, by one magistrate 127, §3
 of bawdy persons 208, §3
 of persons found at a Quakers' meeting 234, §4
 of incorrigible children disturbing meeting 234, §6
 of idle persons 236, §10
 for neglect to take oath of allegiance 263, §2
 of Indians found off their reservations 289, §1
- HUE AND CRY**
 constable to put forth and pursue in absence of magistrate 31, §2
 penalty of neglect in capital cases 31, §2
 charges of 31, §2
- HUSBAND** (see **MARRIAGE**),
 penalty for striking wife 101, §1
- HUTCHINSON, CAPT. ELISHA**
 appointed surveyor of land 296, §9
- I**
- IMPORTS** (see **CUSTOMS**).
- IMPOST**
 upon wines and liquors 68, §1
 repealed 304, §1
 continuance of 312, §1; 329, §1
 upon sales in public houses 69, §1; 82, §11
- IMPRESSMENT**
 warrant for, by whom issued 73, §1
 must be grounded upon some act of general court 73, §2
 of laborers on public works 73, §1

IMPRESSMENT, *continued.*

of laborers, not to be compelled to
work from home above
one week 73, §1
to have reasonable wages
and allowance 73, §2
exemptions 73, §2
of soldiers, in defensive wars only . 73, §2;
111, §11
of cattle or goods, payment for use
and compensation for loss 73, §2
of carts, etc., for execution of laws
against Quakers 63, §10
of men and boats for pursuit of run-
away servants 104, §3
of troopers to serve as foot soldiers . 226, §2
repealed 242, §2
of men to harvest corn of absent
soldiers 238, §18; 245, §1
of workmen for powder-mill at Der-
chester 237, §15

IMPRISONMENT (see ARREST, BAIL,
DEBT, HOUSE OF CORRECTION).

for failure to pay taxes 24, §3
for refusal to acknowledge deed or
mortgage 33, §4
for non-payment of fine 51, §4
no man's person to be restrained be-
fore sentence, if he can furnish bail,
except capital cases and con-
tempt of court 74, §1
of debtor for failure to pay in kind
specified 121, §1

INCOME
from trades, tax upon 23, §3

INDIANS
lands, title to improved 74, §1
when civilized, to have allotment
of township 74, §1
rights in court against any dispossess-
ing them 74, §1
no person to buy or obtain grant of
Indians without license 74, §2
except discoverers of mines 117, §1
planted ground to be protected . . . 76, §7
towns to give help in fencing 76, §7
trade with, prohibited, in ammu-
nition, 75, §2; 237, §14; 247, §8; 285, §1
in horses 65, §1
in armor or weapons 75, §2
all foreigners forbidden 75, §3
in furs 75, §4
in liquors 75, §5
except in case of sickness 76, §5
boats, skiffs, etc. 75, §6
trading-houses to be abolished 76, §5;
237, §14
treasurer may issue licenses 78, §12
laws to be made known to them once
a year 77, §8
commissioners to be appointed to
hold court 77, §9
pow-wows forbidden 77, §10
liquors to be seized 77, §11
drunkenness punished by whipping, 78, §11
bounty for wolves killed 160, §2
forbidden to place ear-mark on swine, 206, §1
forfeit of marked pork offered for
sale by 206, §1
order restricting movement of, dur-
ing hostilities 336, §1
residences of, fixed and named 336, §1
lawful to kill any found skulking, 336, §3;
243, §5
repealed 252, §7

INDIANS, *continued.*

forbidden entertainment in Boston . 225, §1
placed on islands, not to go off on
pain of death 238, §17
bounty if taken prisoner south of
Pascataqua river 243, §5
to be employed as scouts 246, §5
settlement and education of 251, §7
forbidden to carry guns without cer-
tificate 252, §4
allowance of ammunition 285, §1
to remain on the lands reserved to
them 289, §1
lately hostile, not to be bought or
kept 345, §1

INDIAN WAR (see INDIANS, WAR)

friendly Indians restrained during
hostilities 336, §1; 237, §14;
238, §17; 247, §8; 251, 7; 252, §8
regulations for town of Boston 225, §1
orders for armament 226, §2; 227, §3;
232, §2; 237, §13
towns to be garrisoned 227, §4; 232, §1;
242, §4; 248, §10
general ordinances of camp 229
relief for distressed inhabitants, 238, §16
disbursements for . 240, §23; 248a; 253, §12
wounded soldiers' petitions 247, §7

INDICTMENTS
to be made within one year 79, §1
except in capital cases, etc., 79, §1
penalty of neglect to appear and an-
swer 83, §6

INFORMATION
any person, without regard to age,
may inform in criminal cases 2, §1
informer of defective casks, reward
of 13, §1
of unmarked beef and pork, 17, §2
of entertainment of youth
in tavern, etc. 27, §3
of taking fish out of season, 53, §4
mackerel 53, §5
of gaming for money, 57, §1; 58, §2
of possession of blasphemous
books 60, §3
of shipping horses without
license 65, §1; 71, §8
of evasion of customs
charges 71, §9
of trading with Indians 75, §1;
237, §11
of selling adulterated beer, 80, §2
of failure to account for
wine purchased 82, §11
of lying 92, §4
of shipping undischarged
seamen 95, §7
of selling uncleansed malt, 106, §1
of exporting coin 118, §2
of tobacco-takers 146, §1
of exportation of sheep's
wool 219, §1
of exportation of raccoon
furs 220, §3
of attendance at Quakers'
meeting 234, §4
of sale of liquor at trainings, 265, §1
of neglect to ring swine 295, §7
of treason, oath to disclose 262, §1

INHERITANCE (see WILLS, LEGACIES).

eldest son to have double portion of
intestate estate 158, §3
daughters to share as co-part-
ners 158, §2

INHERITANCE, *continued.*

- free from fines, etc. 88, §1
- undisturbed possession for five years to confer title 124, §1

INNKEEPERS

- licenses of 79, §1; 84, §16
 - renewable yearly 83, §15
 - by county court 84, §16
 - limited to persons of sobriety, etc. 235, §8
 - forfeited for third offence 82, §9
 - for wanton and rude singing 84, §17
 - prosecution of unlicensed 317, §2
 - to exhibit sign 79, §1
 - to be always provided with strong beer, penalty for selling inferior 80, §2
 - price of, fixed 251, §5
 - sales of wines and liquors, tax upon,
 - sworn report to be made 69, §4; 82, §11
 - to prevent excessive drinking 80, §3
 - penalty increased 305, §4
 - to secure arrest of drunkards 80, §3
 - to entertain travellers for a night 81, §6
 - penalty for entertaining others, 235, §8
 - to provide stabling for horses 82, §10
 - to close their houses in meeting time, 83, §12
 - evidence to convict of violation of law, 83, §13
 - constables to make search for offenders 83, §14
 - titling-men to inspect houses 259, §3
 - not to entertain persons forbidden by selectmen 85, §19
 - not to entertain children, etc. 27, §3
 - to forbid offensive use of tobacco 146, §1
 - penalty for permitting games and dancing 57, §1

INNKEEPERS, *continued.*

- debts of sailors not recoverable 134, §1
- in ordinary, cannot recover debt for liquor retailed 271, §6
- number of, in specified towns 351, §2
- number in Boston increased 320, §3
- charges allowed for messenger on public service 213, §2

INQUEST

- in case of sudden or unnatural death, 39, §1
- oath of jurors 167, §23

INSANE

- to be cared for at charge of towns 248, §9
- selectmen to manage estates of 248, §9

INSOLVENCY (see DEBT).

- of deceased intestate 250, §4

INSPECTORS OF WOOL

- to be appointed in seaport towns 219, §2
- to execute order forbidding export of racoon fur 220, §3

INSURRECTION (see REBELLION).

INTEREST

- rate of eight per cent. established 153, §1
- bills of exchange excepted 153, §1

INTESTATE (see WILLS, EXECUTOR).

- administration granted to next of kin, 158, §2
- division among heirs 158, §3
- insolvent, settlement of 250, §4

INVASION (see REBELLION).

INVOICE

- penalty for falsifying or concealing, 71, §7

IPSWICH

- jurors from, not to be summoned to Salem 36, §7
- county court for Essex to be held in, 37, §7
- committee of militia in 110, §11
- number of licenses to be granted 351, §2

ISLE OF SHOALS

- shipping officer appointed 139, §3

J

JESUIT

- forbidden to enter colony 67, §1
 - on public service, etc., exempted 67, §1
- suspected, to be banished 67, §1
- death penalty for return 67, §1

JOINERS

- to be taxed on income 24, §3

JUDGES

- to determine matters of equity 86, §1
- to instruct jury in law 86, §1

JUDGMENT

- when entered against defendant who is out of jurisdiction 7, §1
- plaintiff to give security for reversal of 7, §1
- not affected by circumstantial errors, in cases of title of house or land 11, §2
- warrant for, to be signed by clerk of court 30, §1
- sale or assignment of, void 85, §1
- in case of death, administrator may renew 85, §1
- dissent of minority of court may be recorded 128, §1
- every judgment to be recorded 129, §1

JURISDICTION (see ACTIONS, COURTS, MAGISTRATES).

JURORS (see JURY, VERDICT).

- petit, chosen by freemen of towns 86, §1
- eligibility to choice as 148, §4
 - property qualification 352, §6
 - repealed 352, §6

JURORS, *continued.*

- petit, penalty of refusal to serve 55, §1
- oath prescribed 167, §20
- to determine facts and costs 86, §1
- liberty to take advice in open court 87, §5
- to serve but one year 87, §5
- allowance per diem 86, §1
- at court of assistants, whence chosen 86, §1
- at special courts 86, §1
- challenge of 152, §3
- county court to summon 36, §7
- Salem and Ipswich excepted 36, §7
- grand, summoned yearly in same manner as petit jurors 86, §2
- oath prescribed 167, §19
- allowance per diem 86, §2
- not required to reveal conscientious secrets 86, §2
- to serve two years at least 87, §5
- penalty for neglect of person indicted to appear and answer 88, §6
- to present heterodox preachers, 46, §18
- to present wearers of periwigs, 233, §2
- penalty for neglect to prevent excess in apparel 233, §3
- to receive complaints of excessive prices set by merchants 236, §11

JURY (see JURORS VERDICT).

- right of trial by, affirmed 152, §3

JURY, *continued.*

allowed in will cases	331, §2; 334, §3
not to hear causes under 40 shillings,	20, §1
to judge of matter of fact and costs,	86, §1
bench to determine equity	86, §1
special jury to be summoned in cases involving death or banishment	86, §1
oath prescribed,	167, §21
of inquest in case of sudden death	39, §1
oath prescribed	167, §23
verdict in case of obscurity in the law, in matters of fact where the main issue cannot be found,	87, §3

JURY, *continued.*

court and jury disagreeing, case to go to next court of assistants	87, §4
action of attainr for erroneous verdict,	201, §1
brought before jury of 24 men in court of assistants	201, §1
penalty on conviction	202, §1
rules for prosecution of	319, §1
members of attainted jury may sue for slander	320, §1
JUSTIFICATION (see HERESY). penalty for denying doctrine of	59, §1

K

KENNEBECK created county of Devonshire	218, §3
KERLY, WILLIAM appointed searcher of coin in Marl- boro'	118, §3
KIDNAPPING (see MAN-STEALING).	

KING

all writs, etc., to be issued in name of	161, §1
oath of allegiance to	261, §1
to be taken by all above sixteen years	262, §2

L

LAND (see DEEDS, ESTATE, GRANTS, INDIANS, MINES, TAXES). age for passing, etc.	1, §1
penalty for refusal to survey bound- aries	10, §2
common, to be fenced, etc.	17, §1
improvement of	19, §7
assessment of	23, §2, 3
peculiar, definition of	24, §1
fraudulent conveyance of, invalid,	32, §3
undisputed occupancy for 5 years to confer title	124, §1; 206, §5
title of Indians to	74, §1
no person to buy of Indians	74, §2
authority of general court to grant to English persons	74, §1
towns to have power to dispose of	147, §1
grants of, to be surveyed,	296, §9
special committee appointed to ex- amine	296b
free from fines upon alienation, etc.,	88, §1
discoverer of mines may take a fit proportion	116, §1
may purchase interest of Indians	117, §1
LATIN SCHOOL scholars not to frequent public houses,	27, §3
LEATHER (see CARRIER, HIDES, TAN- NER). who may tan	88, §1
tanners only to buy raw hides	89, §1
repealed	205, §1
regulation of tanning	89, §2
currying	89, §3
penalty for neglect to properly dress, searchers and sealers, appointed by towns	89, §4
oath prescribed	168, §28
duties and powers	89, §4
to examine work of tan- ners	89, §2
to seize defective leather	90, §2
boots and shoes	90, §3
penalty for neglect	90, §3
fees	90, §4
disposition of fines and for- feitures	90, §5
unwrought, must be sealed before sent to carrier	212, §13

LEGACIES (see WILLS, ADMINISTRA-
TORS).

to colleges, etc., to be disposed of ac- cording to intent of donors	9, §1
county court may appoint trustees and require accounting	9, §1

LEVERET, MAJOR-GENERAL

appointed receiver of fortifications dues at Boston and Charlestown	140, §5
--	---------

LIBERTY (see CIVIL PRIVILEGES).

to dispose of estate by will or other- wise	1, §1
of speech and petition in court, coun- cil or town meeting	90, §1
of fishing and sporting,	90, §2
of removal from colony	91, §3

LICENSE (see INNKEEPERS).

of fishermen to take wood	52, §1
for exportation of powder	126, §2
for sale of beer and wine	31, §2
of cider, etc.	69, §1
of liquors, selectmen to ap- prove	351, §1
number of, in specified towns	351, §2
of innkeepers, forfeited for third of- fence	82, §9
to be renewed yearly,	83, §15
of public houses, limited	235, §8
unlicensed houses to be searched out,	235, §8

LIQUOR (see CASK, CUSTOMS, IMPOSTS,
INNKEEPERS, LICENSE).

assize of casks	16, §1
regulations of entry	329, §1
import duty upon	67, §1
doubled	253, §10
tax upon sales of	69, §1; 83, §11
increased	268, §11
repealed	304, §1
continued	312, §1
dealers to account to marshal-gen- eral for every case and bottle,	83, §11
penalty for unlicensed traffic	84, §16
in cases, may be imported and sold without license	84, §16
license for retail sale	79, §1
regulation of wholesale trade	79, §1
penalty for selling or giving to Indians, in default of fine, to be whipped	75, §5 212, §15

LIQUOR, continued.
 regulation of use on fishing vessels . 53, §4
 drinking healths forbidden on vessels
 in port . 140, §4
 not to be given to workmen or
 boys . 202, §1
 sale of, at trainings, forbidden . 265, §1

LORD'S DAY
 in daylight, profanation of, by chil-
 dren . 132, §1
 by persons above
 fourteen years
 old . 133, §1
 at night, drinking in public houses
 forbidden . 133, §2
 sporting in streets or fields, 133, §2
 on Saturday night, 133, §2
 fines to go to county . 133, §3
 servile work forbidden . 134, §4
 except work of piety, charity,
 or necessity . 134, §4
 travel, except to lawful meetings,
 forbidden . 134, §4
 penalty for absence from meeting . 45, §15
 for denial of morality of
 fourth commandment . 59, §1
 meeting of Quakers forbidden . 61, §5
 Indians not to profane . 77, §10

LORD'S DAY, continued.
 penalty for kindling fires in open
 ground . 51, §1
 penalty for firing guns on shipboard, 140, §4
 innkeeper liable for offence by
 guests . 210, §6
 no carts, etc., to pass out of Boston
 after sun-down on Saturday . 269, §1
 laws concerning profanation of, to be
 publicly read twice a year . 249, §1
 by constable or town clerk . 272, §10
 tithing-men to enforce . 249, §1
 offenders to be placed in a cage until
 trial . 250, §2

LOST GOODS
 finder to notify constable . 142, §1
 record it in county court . 12, §1
 to be publicly cried . 142, §1
 owner may claim within one year . 142, §1
 disposition of, if unclaimed . 142, §2

LYING
 by person over 14 years of age,
 penalty . 91, §1
 under age of discretion . 92, §1
 repeated offences, penalty, 92, §1

LYNN
 market day established . 49, §1
 number of licenses to be granted . 351, §2

M

MACKEREL (see Fish).
 for salting, not to be taken before
 July . 53, §5

**MAGISTRATES (see ACTION, COURT,
 GENERAL COURT).**
 nominated annually by freemen . 47, §3
 election of . 282, §3
 members of board of overseers of
 Harvard College . 29, §1
 actions triable before . 2, §4
 to administer oath to poor debtors . 6, §2
 to have discretion as to apparel of
 themselves and families . 5, §1
 to issue warrants to impress work-
 men for public works . 12, §3
 one may determine cases of small
 the ft . 15, §2
 causes not exceeding forty
 shillings . 20, §1
 to issue summons or attachment . 20, §1
 not to hear causes in which he is con-
 cerned . 21, §2; 38, §9
 appeal from to county court . 21, §2
 exemption from tax . 23, §3
 from ferrage tolls . 50, §1
 from keeping arms . 109, §7
 from military service . 109, §9
 from constable's watch . 155, §2
 oath of, binding only while an inhab-
 itant . 119, §1
 to administer oath of fidelity . 120, §2
 to administer oath of allegiance . 203, §2
 to punish disobedient children and
 servants . 27, §2
 to hear case of absence from meet-
 ing . 45, §15
 to enforce fishing laws . 54, §5
 to dispose of cards or dice . 58, §2
 may adjourn court to some more con-
 venient time . 39, §1
 to take testimony of witnesses out of
 court . 158, §2
 to solemnize marriages . 121, §1

MAGISTRATES, continued.
 may present petitions without fee . 121, §1
 may commit idle persons, &c., to
 house of correction . 127, §3
 to designate towns through which
 Quakers shall be whipped, and
 number of stripes . 63, §11
 powers in case of suspected misde-
 meanor . 324, §1
 penalty for defamation of, 36, §6; 61, §7
 unseemly conduct of in court, pen-
 alty . 36, §6
 in general court . 36, §6
 penalty for denying authority of . 59, §1
 judgment before two and clerk to be
 good in law . 37, §7
 to hold special court for strangers . 37, §8
 to license strangers to reside . 143, §1

MAID (see SERVANT)
 courtship of, forbidden without con-
 sent of parents . 101, §3

MAJOR-GENERAL (see MILITIA).
 elected by ballot . 47, §2; 274, §1; 282, §3
 oath proscribed . 164, §11

MALEFACTOR
 power to reprieve . 35, §4
 to pardon . 35, §4

MALPRACTICE
 of surgeons, midwives and physicians,
 forbidden . 28, §1

MALT (see BEER, BREWERS).
 to be cleansed before sale . 106, §1
 importation of, forbidden . 106, §2
 repealed . 106, §3
 proportion of, fixed for strong beer, 251, §5

MANSLAUGHTER
 no crime in self-defence . 92, §1
 in attempting to arrest felon, 92, §1

MAN-STEALING
 punished by death . 15, §10
 includes removal of Indians from isl-
 ands on which they have been
 placed . 238, §17

- MARBLEHEAD**
 searcher of coin appointed . . . 118, §3
 shipping officer appointed . . . 139, §3
 receiver of fortifications dues appointed . . . 140, §5
 county rates for 1672 allowed for repair of forts . . . 203, §2
 surveyors of damaged goods appointed . . . 295, §8
 established as port of entry . . . 298, §1
- MARE** (see HORSE).
- MARINERS** (see SAILORS, VESSELS).
- MARITIME AFFAIRS** (see ADMIRALTY, VESSELS).
 laws relating to . . . 93
- MARKET, CLERK OF** (see BREAD).
 one or two to be chosen annually in each market town . . . 8, §1
 authorized to enter houses . . . 8, §1
 to weigh bread baked for sale and seize such as is of defective weight . . . 8, §1
 fees one-third part of forfeitures . . . 9, §1
 to inspect bread made for use in families of bakers . . . 9, §2
 to weight butter for sale . . . 9, §1
 to publish price of wheat monthly . . . 288, §4
 oath prescribed . . . 169, §29
- MARKETS**
 dates and places of holding . . . 49, §1
- MARLBORO'**
 searcher of coin appointed . . . 118, §3
- MARRIAGE** (see HUSBAND, WIFE).
 intention of, to be published or posted . . . 101, §2
 courtship of maid forbidden without previous consent of parents . . . 101, §3
 no married person, having husband or wife in another country, to reside in colony . . . 101, §4
 exceptions . . . 102, §4
 magistrates only may join in marriage, with deceased wife's sister forbidden, to be recorded within one month . . . 130, §2
 timely and convenient, not to be denied to any child . . . 28, §5
 in case of orphans . . . 28, §6
 in case of fornication . . . 54, §1
 law of dowry . . . 42, §1
- MARRIN, RICHARD**
 appointed collector of port dues for Pascatqua . . . 271, §9
- MARSHAL** (see ATTACHMENT, CONSTABLE, EXECUTION).
 to take bail in case of arrest for debt, to aid commissioners of Boston . . . 22, §3
 to levy fines assessed by court . . . 51, §1
 to collect fines, etc., on warrant from treasurer . . . 102, §1
 to levy and make return on executions . . . 102, §2
 to issue and make return of attachments . . . 2, §2, 8, §1; 103, §3
 no marshal to be clerk or recorder of any court . . . 103, §3
 fees . . . 103, §4
 clerk of writs to collect . . . 29, §1
 may require aid . . . 103, §6
 may break open house to make levy, charges to be levied with execution, goods exempt from levy . . . 104, §8
 liable for injury . . . 104, §9
 to seize malt, etc., brought from Europe for sale . . . 106, §2
 no deputy to serve attachments or executions . . . 220, §4
- MARSHAL, continued.**
 to record returns . . . 220, §5
 not bound to serve attachment until fees are paid . . . 220, §6
- MARSHAL-GENERAL**
 to despatch special orders of general court . . . 131, §5
 to receive all warrants from the treasurer . . . 132, §5
 may serve executions . . . 324, §2
 fees of . . . 103, §5
- MARSHFIELD, SAMUEL**
 appointed surveyor of land . . . 296, §9
- MARTIAL DISCIPLINE**
 commissioners of, form of oath, . . . 168, §26
- MARTIAL LAW** (see WAR).
 executions under . . . 30, §1
 ordinances of camp . . . 229
- MASON, CAPT. HUGH**
 member committee on soldiers' relief . . . 247, §7
- MASONS**
 to be taxed on income . . . 24, §3
- MASTER** (see SERVANTS).
 of vessels (see VESSELS).
 of house of correction (see HOUSE OF CORRECTION).
 to teach servants and apprentices . . . 26, §1
 to correct youth for lying . . . 92, §1
 may license servants to trade . . . 104, §1
 cruelty by . . . 105, §6
 penalty for manning servant . . . 105, §8
 to recompense faithful service . . . 105, §9
 responsible for injury by servants' discharge of firearms . . . 349, §1
 of mint appointed . . . 117, §1
 allowance for coining . . . 117, §1
 to be sworn . . . 118, §1
- MEASURERS**
 of corn, wood and boards, appointed, authority of . . . 156, §2
 of salt, maritime towns to appoint . . . 135, §1
- MEASURES** (see SEALERS, WEIGHTS AND MEASURES).
 standard established . . . 155, §1
 new standard received from England, new seal for . . . 279, §3
- MEDFIELD**
 designated as frontier town . . . 247, §5
- MEDFORD**
 exempted from act in relation to farms . . . 49, §1
- MEETING-HOUSES** (see CHURCHES).
 may be erected only by consent and authority . . . 267, §9
 regulation of conduct of children in, doors to be closed until blessing is pronounced . . . 234, §5
- MENDON**
 inhabitants warned to return . . . 239, §22
- MERCHANTS**
 non-residents to be assessed . . . 25, §1
 penalty for taking excessive prices for merchandise . . . 120, §1; 236, §11
- MESSENGER**
 general court may send on public service . . . 35, §4
 allowance for travel and expenses . . . 213, §2
 to be sent to raise alarm from town to town . . . 271, §8
- MIDDLESEX**
 commissioners of, to set price of corn, time and place of holding county court . . . 37, §7
 fairs and market-day established . . . 49, §1

MIDDLESEX, *continued*.

- jurors for court of assistants to be chosen from 86, §1
- command of militia in 107, §1
- date of regimental meetings 116, §22
- committee appointed to examine war rates 248a

MIDWIVES

- not to use violent methods without consent of patient 28, §1
- to have precedence at ferries 50, §2

MILITARY (see MILITIA).

- acts concerning 107; 203
- service with foreign enemy or against allies forbidden 315, §1

MILITIA (see SOLDIERS, WAR).

- act concerning 107
- major-general, powers of 115, §19
 - to regulate military affairs in towns having no sergeant-major 115, §19
 - may order troop of horse out of county, 113, §16
 - to issue warrant for election of sergeant-major 107, §1
- commissioned officers, freemen to nominate 108, §3
 - county court to approve 108, §3
 - General Court to appoint 116, §21
 - existing commissions confirmed 114, §17
 - commissions to bear the public seal 135, §1
 - oath prescribed 275, §3
 - exempt from duty as constables 352, §7
 - new commissions issued 278, §1
- non-commissioned officers to be chosen by commissioned officers 116, §21
 - towns to nominate 103, §4
- sergeant-major, chosen by freemen 107, §1
 - to command militia in each county 107, §1
 - to call out regiment for exercise once in three years 107, §2
 - to call meetings of company officers 107, §2
 - to impose fines for non-attendance 107, §2
 - to regulate militia in smaller towns 108, §4
 - to order assistance in case of alarm. 111, §11
 - not to march regiment out of county 111, §11
 - except in pursuit of enemy 241, §1
 - in case of death or absence senior captain to succeed, 111, §11
 - to command troops of horse 113, §16
 - to advise major-gen. of condition of their regiments, 115, §19
 - to appoint non-commissioned officers, 116, §21

MILITIA, *continued*.

- sergeant-major, allowances at regimental meetings, 116, §22
 - oath prescribed, 167, §24
- captains, lieutenants, and ensigns to hold commissions from general court 108, §4
 - to appoint what arms shall be carried 108, §5
 - to exercise soldiers six days yearly 108, §5
 - to punish disorder and insubordination 108, §6
 - order of seniority 111, §11
 - of precedence 278, §1
 - of troopers not to take troops outside county, 113, §16
 - to obey warrants of major, 115, §19
- training, six days yearly 108, §5
 - reduced to four days 266, §2
 - exemptions from 109, §3
 - penalty for absence from, 204, §3; 266, §4
 - sale of liquors at, forbidden, 265, §1
- soldiers, age of 109, §3
 - exemptions from service 109, §3
 - number forming a company, 108, §4
 - punishment for disorderly conduct 108, §6; 114, §17
 - to provide arms as prescribed 108, §7
 - in case of poverty, 109, §3
 - impressment) (see Impressment) 111, §11
 - duty as sentinel in case of alarm 112, §12
 - accountment of pikemen, 115, §20
 - punishments authorized for non-payment of fines 204, §3
 - to account for his arms before receiving pay 232, §2
 - penalty for non-appearance when impressed 246, §2
 - on removal to another town, not to escape duty 271, §7
 - rates for billeting and provisioning 253, §12
 - crops to be harvested when absent 245, §1
 - volunteers to be subject to martial laws 242, §3
 - committee appointed for relief of wounded 247, §7
- regiment to be commanded by sergeant-majors 107, §1
 - meetings to be held once in three years 107, §2
 - dates of, in the several counties 116, §22
 - not to march out of county, 111, §11
 - except in pursuit of enemy 241, §1
 - accounts of, for Indian war, to be audited at Boston 248a
- companies, meetings of chief officers
 - on call of major 107, §1
 - nomination of officers of, 108, §3
 - number of soldiers to form company 108, §4
 - smaller towns to join in forming 108, §4
 - yearly exercise appointed 108, §5; 266, §2

MILITIA, *continued.*

- companies, powers of chief officers, 108, §6
 to choose clerk of the
 band 109, §10
 precedence of 263, §4
 drummer to be chosen by
 commissioned officers, 272, §11
 order for division of foot,
 in Boston 217, §2
 clerk of band, to be sworn 109, §10
 oath prescribed 168, §25
 to call roll on training
 days 109, §10
 to inspect arms, etc. 110, §10
 to collect and dispose
 of fines 110, §10
 to procure arms on
 request 109, §8
 to levy fines within
 one month 203, §1
 clerk's estate re-
 sponsible 203, §1
 to render particular
 account once in six
 months 203, §1
 to take out officers'
 commissions with-
 in one month 299, §3
 troop of horse, not to exceed 70, 113, §16
 repealed, 114, §17
 property qualifica-
 tions of 114, §17
 privileges of 113, §16
 liberty to nominate
 officers 113, §16
 arms and accoutre-
 ments of 113, §16
 to exercise six days
 yearly 113, §16
 clerk of the troop,
 duties and fees, 113, §16
 service in case of
 alarm 113, §16
 not to go out of coun-
 ty except in pur-
 suit 113, §16
 no officer of a foot
 company to be a
 listed trooper, 113, §16
 forbidden to disband
 or change horse
 without leave, 113, §16
 arms, soldiers to provide 109, §8
 of foot soldiers 108, §7
 of troopers 113, §16
 of pikemen 115, §20
 smiths to repair 112, §13
 clerk of band to inspect 110, §10
 ammunition, General Court to make a
 constant supply 112, §14
 selectmen to provide, 112, §15
 clerk of band to inspect, 110, §10
 sentinels, watch to be set half an
 hour after sunset, 111, §12
 instruction and duty, 112, §12
 signal of alarm, when
 given 112, §12
 not to hazard killing of any
 person in time of peace, 112, §12
 regulation of, during In-
 dian war 242, §4
 committee of, to be formed in every
 town 110, §11
 composition of, in Boston, 110, §11
 in other towns, 111, §11

MILITIA, *continued.*

- committee, powers of 110, §11
 to impress soldiers 111, §11
 to repair forts and pro-
 vide great guns 111, §11
 to suppress all raising of
 troops except by author-
 ity 111, §11
 to apply country rates for
 1672 in Boston, etc., to
 repair of forts 203, §2
 to inspect stock of ammu-
 nition and arms 228, §3
 to impress troopers as foot
 soldiers 226, §2
 to establish garrisons 227, §4
 to remove women and chil-
 dren from frontier towns, 227, §4
 may nominate persons for
 military office 221, §8
 to despatch messenger to
 raise alarm 271, §8
 to settle accounts of towns
 for war disbursements, 240, §23
 rates for bills of Indian
 war expenses 253, §12
 to impose fine upon im-
 pressed men for non-
 appearance 246, §2
 no person liable to duty
 to leave town without
 permission of 248, §10
 ordinances of war, blasphemy 229, §1
 oaths and execrations 229, §2
 absence from public wor-
 ship 229, §3
 neglect of duty 229, §4
 quarrel with superior of-
 ficer 229, §5
 desertion 230, §6
 silence under orders 230, §7
 resistance to officer 230, §8
 resistance to provost mar-
 shal 230, §9
 sedition or mutiny 230, §10
 mutinous speeches 230, §11
 drunkenness 230, §12
 rape, etc. 230, §13
 fornication, etc. 230, §14
 theft, etc. 230, §15
 murder 231, §16
 neglect of equipment 231, §17
 loss of arms by gaming 231, §18
 selling ammunition 231, §19
 overstaying pass 231, §20
 definition of punish-
 ments 231, §21
 MILLERS
 to be taxed on income 24, §3
 toll of, regulated 106, §1
 to provide weights and scales 106, §1
 MINES
 royalty, one-fifth 117, §2
 forfeit for non-payment 297, §1
 absolute ownership, when discovered
 by proprietor of land 117, §2
 discoverers to enjoy profits for 21
 years 116, §1
 to purchase interest of
 Indians 117, §1
 MINISTERS (see PREACHERS, CHURCH).
 exempt from taxation 26, §1
 house to be provided for 45, §16
 maintenance of 45, §17
 heterodox, to be removed 46, §18

MINISTERS, <i>continued.</i>		MONEY, <i>continued.</i>	
to give certificate of orthodoxy for freemen	56, §2	pieces of eight declared current	292a
penalty for reviling	61, §7	value established	294, §5
MINORS (see AGE, CHILDREN, PARENTS).		MONOPOLY	
answerable for misdemeanor	2, §1	none granted, except for new inven- tions	119, §1
may present criminal information	2, §1	MORTGAGE	
not to be furnished apparel contrary to order of parents	6, §1	to be acknowledged and recorded	33, §4
to be whipped for theft	13, §2	penalty for refusal,	33, §4
death penalty for cursing, etc., par- ents	15, §13	clerk of shire court to enter	33, §4
for stubbornness	15, §14	grantee may enter caution with rec- ords of county court	33, §4
repealed	291, §2	fee of clerk for transcribing	130, §1
to pay tax if earning wages	24, §3	MUGGLETON, LOPOWICK (see HER- ESY).	
debts contracted by, not recoverable, age of women in case of marriage	27, §4 28, §6	books of, penalty for having in pos- session	60, §4
MINT (see COINAGE).		to be publicly burned	60, §4
established at Boston	117, §1	MURDER	
master of, appointed by general court	117, §1	premeditated, punishable by death	14, §4
MODERATOR		in anger	14, §5
to have casting vote in civil assem- blies	35, §6	by accidental shooting	349, §1
refusing to put vote, another to be appointed to do it	153, §1	MUSKETEERS (see MILITIA).	
MONEY (see COINAGE, MINT).		arms required	108, §7
exportation forbidden	118, §2	to provide snapjack	251, §6
searchers of, appointed	118, §3	MUTILATION	
powers	119, §3	penalty for burglary or highway rob- bery on the Lord's day	13, §1
wampum receivable to 40 shillings	154, §10	MUTINY	
		on shipboard, punished by death	211, §9
		of soldier, penalty	230, §10

N

NAVAL OFFICE		NON-APPEARANCE, <i>continued.</i>	
established in Boston	289, §1	in capital case, to work forfeiture of lands and goods	16, §17
James Russell chosen	290, §2	to stand in stead of one witness to prove the crime	16, §17
oath of	290, §4	penalty, loss of case with costs	87, §6
duties	298, §2	of persons indicted by grand jury	38, §6
appointment at Newbury	313, §7	of soldier impressed, penalty	216, §2
NAVIGATION (see VESSELS).		NONSUIT	
laws concerning	138	for failure to appear when case is called	87, §6
act to be enforced	258, §2	NORFOLK	
act of parliament to be published in market-place at Boston	289, §1	time and place of holding county court	37, §7
NEGRO		command of militia in	107, §1
not to be taken as passenger on ves- sel without permit	281, §1	date of regimental meetings	116, §22
NEWBURY		compensation of majors	116, §22
naval officer appointed	313, §7	committee appointed to examine war rates	248a
number of licenses to be granted	351, §2	NORTHAMPTON	
NODDLE'S ISLAND		county court of Hampton to be held in	37, §7
jurisdiction of court of commis- sioners of Boston	21, §3	NOTARIES, PUBLIC	
NOMINATION (see ELECTIONS).		exempt from military service	109, §9
of magistrates and assistants by ballot, to be declared at Boston,	47, §3 48, §3	to enter importations of powder, etc.	125, §1
of officers by committee of militia	221, §5	to record testimony taken out of court,	158, §2
NON-APPEARANCE		oath prescribed	165, §14
not punishable if hindered by act of God	4, §1	seal of	313, §5
not to prejudice damage in civil action, God	4, §1		

O

OATHS		OATHS, <i>continued.</i>	
no man to be urged to take except as required by law	119, §1	of fidelity, required of all inhabi- tants	120, §2
of magistrates and officers, binding only while inhabitants	119, §1	of all persons	158, §1
of freemen, county court to admin- ister	56, §3	form prescribed	163, §6
form prescribed	163, §7	of strangers, form prescribed	120, §2
		of allegiance, form prescribed	61, §1
		for all over 16 years	262, §2

OATHS, *continued.*

of allegiance, magistrates to administer	163, §2
of governor	164, §8
of deputy-governor	164, §9
of assistants	164, §10
of major-general	164, §11
of treasurer	165, §12
of secretary	165, §13
of notary public	165, §14
of marshal	166, §15
of commissioners with powers of magistrates	166, §16
of associates	166, §17
of three men to hear small causes,	166, §18
of grand-jurors	167, §19
of petit-jurors	167, §20
of jurors in capital cases	167, §21
of witnesses	167, §22
of jurors of inquest	167, §23
of sergeant-major, etc.	167, §24
of clerk of band	168, §25
of commissioners of martial discipline	168, §26
of constable	168, §27
of searcher and sealer of leather,	168, §28
of clerk of market	169, §29
of searchers of ammunition	169, §30
of appraisers	169, §31
of viewers of pipestaves	169, §32
of collector of customs	169, §33

PACKER

of beef, pork and fish, fees	16, §2
to be sworn	283, §5
oath prescribed	170, §35

PALN, MOSES

appointed searcher of coin in Braintree	118, §3
---	---------

PARDON

general court only has power to grant	35, §4
---	--------

PARENT (see AGE).

to plead for child	2, §1
penalty for cursing or smiting	15, §13
to bring stubborn child into court	15, §14
not unreasonably to deny marriage to child	28, §5
to correct children for lying	92, §1
fifth commandment to be observed	235, §9
responsible for damage by unauthorized discharge of firearms by children	349, §1

PARKER, WILLIAM

member committee on soldiers' relief,	247, §7
---	---------

PASCATAQUA

time and place of holding county court	37, §7
river, questions concerning collection of customs in	72, §14
searcher of coin appointed	118, §3
shipping officer appointed	139, §3
receiver of fortifications dues appointed	140, §5
to pay its own bounty for wolves killed	159, §1
duties upon liquors imported, affirmed	212, §16

PAUPERS (see POOR).

PAYMENT (see DEBT, CREDITOR).	
to be made according to contract	120, §1
in wampum, to 40 shillings	154, §1

OATHS, *continued.*

of viewers of fish	170, §34
of packers of beef, etc.	170, §35
of tithing-man	271, §5; 341, §7
of canvassers of votes	275, §2
of naval officer	290, §4
denial of power of Pope to absolve from	262, §1
profane (see BLASPHEMY, PROFANE SWEARING).	
OLLIVER, JAMES	
appointed searcher of coin in Boston,	118, §3
appointed to seize provisions intended for export	239, §21
OPPRESSION	
by shop-keepers setting excessive price on goods, penalty 120, §1; 236, §11	
by laborers, as to hours and pay, penalty	120, §1; 236, §11
ORDINARIES (see INNKEEPERS, LICENCES).	
gaming and dancing forbidden in	57, §1
ORPHAN	
disposal of by court during minority,	28, §6
ORTHODOXY (see CHURCHES, DOCTRINE, HERESY, HETERODOXY).	
certificate of, for freemen	56, §2
OVERSEERS	
of Harvard College	29, §1
of public works, power to impress labor	73, §1

P

PEACE, BREACH OF

punishable by fine	11, §1
amount of penalty left to discretion of court	11, §1
retaining possession of estate by person against whom judgment has been given	11, §2

PECULIARS

definition of	24, §1
where assessed	24, §1
powers of constable in	294, §3

PELTRY (see FURS).

PENDLETON, BRYAN

appointed shipping officer of Pascataqua, etc.	139, §3
--	---------

PERIWIGS

penalty for wearing	233, §2
-------------------------------	---------

PERJURY

in capital cases punished by death	15, §11
--	---------

PETITION

liberty of, by inhabitant or foreigner,	90, §1
to general court, fees for	121, §1
when to be presented	121, §1
secretary to write,	121, §1
charges of hearing	121, §1

PHYSICIANS

to practice according to the approved rules of the art	28, §1
to have precedence at ferries	50, §2
may prescribe liquor for Indians	76, §5
exempt from military service on allowance of two magistrates	109, §9

PIECES-OF-EIGHT

made legal currency	292a
at six shillings per ounce	291, §5

PIKE, MAJOR ROBERT

to enlist troopers from foot companies	313, §1
--	---------

- PIKEMAN** (see MILITIA).
 arms of, prescribed . . . 108, §7
 to wear buff or quilted coats . . . 115, §20
 to furnish themselves with firearms, 226, §2
- PILFERING** (see THEFT).
- PILLORY**
 as punishment for forgery . . . 54, §1
 for defacement of records . . . 131, §3
- PILON** (see VESSELS).
 inefficient, to forfeit wages . . . 98, §20
- PIPESTAVES** (see CASK, COOPERS).
 length and quality prescribed . . . 17, §1
 assize of . . . 122, §1
 viewers of, for export, appointed . . . 122, §1
 duties and fees . . . 122, §1
 oath prescribed . . . 169, §31
 unviewed to be forfeited . . . 122, §1
 refuse, may be exported . . . 122, §1
- PIRACY**
 punished with death . . . 211, §9
 accessories to, penalty . . . 316, §1
 order concerning Christopher Goffe, 355, §1
- PLAINTIFF** (see ACTION, ATTACHMENT, EXECUTION).
 age for . . . 2, §1
 foreigner to give security in civil action . . . 7, §1
 penalty for asking advice of sitting magistrate . . . 34, §1
 to lose case with costs on failure to appear . . . 87, §6
 with consent of defendant may choose manner of trial . . . 152, §2
 may challenge jurors . . . 152, §3
- PLEADING** (see ACTIONS, DEFENDANT, PLAINTIFF).
 not affected by circumstantial errors, 7, §2
- POISONING**
 when fatal, punished by death . . . 14, §6
- POND**
 of more than 10 acres, to be free for fishing and fowling . . . 91, §2
- POOR**
 settlement of, how determined . . . 123, §1
 towns to care for . . . 123, §2
- POOR DEBTORS** (see ARREST, ASSIGNMENT, DEBT).
 support of, in prison . . . 6, §1; 128, §5
 liberty of, on bail . . . 7, §1
 discharge of, on taking oath . . . 128, §5
- POPE OF ROME**
 ecclesiastics ordained by his authority forbidden the colony . . . 67, §1
 denial of authority of . . . 261, §1
- PORK** (see CASK).
 assize of cask . . . 16, §1
 regulations for packing . . . 16, §1
 for sale of by Indians . . . 206, §1
- PORT** (see CUSTOMS, VESSELS).
 charges upon foreign traders . . . 140, §5
 of entry established, regulations of, 298, §1
- PORTERS**
 selectmen of Boston and Charlestown to appoint and fix wages . . . 124, §1
- PORTSMOUTH**
 appeal from court of associates in county court of Piscataqua to be held in . . . 37, §7
- POSSESSION**
 without disturbance for five years, to confer title . . . 124, §1
 to confirm title, despite former grant, 206, §1
- POUND** (see CATTLE, HORSELS, SWINE).
 for trespassing cattle . . . 18, §3
 swine or calves . . . 20, §1
- POUND, continued.**
 towns to maintain . . . 124, §1
 notice to be given owner of cattle impounded . . . 125, §1
 may be replevined . . . 125, §1
 breach of pound . . . 125, §1
 penalty of resistance or rescue . . . 125, §2
 disposition of impounded swine . . . 146, §3
- POWDER** (see AMMUNITION).
 mill at Dorchester, workmen may be impressed for . . . 237, §15
- PREACHERS** (see CHURCHES, MINISTERS).
 ordination of . . . 43, §4
 dissatisfaction with . . . 44, §13
 penalty for interrupting . . . 44, §14
 maintenance of . . . 46, §18
 heterodox and vicious, to be removed 46, §18
- PRECEDENCY**
 of militia companies, regulated . . . 263, §4
- PRESCRIPTION**
 not to prevail against the Word of God . . . 126, §1
- PRISON** (see ARREST, DEBT, POOR DEBTORS).
 escape from, charges for apprehending . . . 21, §2
 malefactors to be conveyed at their own charge . . . 126, §1
 penalty for aiding to break prison . . . 127, §4
 for debt, plaintiff to secure keeper for maintenance of prisoner . . . 128, §5
 making oath that he is not worth five pounds, to be discharged . . . 128, §5
 allowance for food established . . . 128, §5
 keeper of, to present list of prisoners, to be allowed cost of maintenance . . . 128, §5
 penalty for suffering to escape . . . 128, §4
 house of correction to be provided in each county . . . 127, §2
 select men to provide material for labor, 127, §3
 master appointed by county court, 127, §3
 to have profit of prisoners' labor . . . 127, §3
 delinquents committed, whipped, then set at work . . . 127, §3
 furnished bread and water or other mean food . . . 127, §3
 one magistrate may commit . . . 127, §3
 discharged only by warrant . . . 127, §3
 vagabonds committed to . . . 153, §1
- PROFANE SWEARING**
 penalty for . . . 144, §1
 for more than one oath . . . 145, §2
 any who hear must disclose name of offender . . . 235, §7
- PROPRIETOR**
 riparian rights of . . . 91, §2
- PROTESTATION** (see DISSENT).
- PROVISIONS**
 export duties on . . . 71, §9
 importation of certain, forbidden . . . 106, §2
 suspended, 239, §19
 exportation forbidden . . . 239, §21

PROVISIONS, <i>continued</i> .	
repealed	264, §6
of soldiers in Indian war, rates established	253, §12
PUBLIC HOUSES (see INNKEEPERS, LICENSES).	
not to entertain children in	27, §3
PUBLIC WORKS (see BRIDGES, HIGHWAYS, IMPRESSMENT).	
authority to impress labor for	73, §1

PUNISHMENT (see BANISHMENT, CAPITAL PUNISHMENT, BRANDING, MUTILATION, WHIPPING, STOCKS, TORTURE).	
barbarous or cruel not to be allowed	129, §1
PURSUIT (see HUE AND CRY).	
of deserting sailor	99, §23

Q

QUAKERS (see HERESY).	
disfranchised	48, §5
forbidden entrance to the colony	60, §4
penalty for bringing	60, §4
increased	234, §4
for entertaining or concealing	60, §4
for encouraging	61, §5
for importing their doctrinal works	61, §6
for reviling magistrates	61, §7
if not inhabitant, to be apprehended, penalty on conviction	61, §9
if inhabitant, penalty, voluntary departure	62, §9
one magistrate may commit	62, §9
opinions and practices described	62, §9

QUAKERS, <i>continued</i> .	
wandering or vagabond to be whipped at ear's tail	62, §10
branded for contumacy	63, §10
incorrigible	63, §10
to be whipped through but three towns	63, §11
penalty of whipping or death suspended except against vagabond	63, §11
penalty for attending meeting	234, §4
meetings of, forbidden	250, §3
QUARTERING	
of soldiers in Indian war, rates for,	255, §12
QUESTION	
submitted from inferior courts to be resolved by general court	38, §11
QUORUM	
of the Council of the Commonwealth, to issue reprieve	33, §4
of county courts	36, §7
of overseers of Harvard College	29, §4

R

RACCOON	
exportation of furs or skins forbidden	220, §3
RAILING (see SCOLDING).	
RAPE	
punished by death at discretion of court	15, §15
by soldier, penalty	230, §13
RATES (see TAXES).	
civil and ecclesiastical	22, §2
country	23, §3
RAWSON, EDWARD	
appointed shipping-officer of Boston	139, §3
special duties	140, §3
REBELLION	
against the Commonwealth	15, §12
against the king's majesty	292
RECANTATION (see HERESY).	
of heretic, to be public	59, §2
penalty for offending after	60, §2
RECORDER (see CLERK, COURTS).	
RECORD (see CLERK, COURTS, CLERK OF WRITS, DEEDS, WILLS).	
of judgments, etc.	129, §1
of dissenting minority of court, etc.	128, §1
of evidence	129, §1
of births, deaths and marriages open to public inspection	130, §2
of deeds	131, §3
penalty for defacing	131, §3
of deeds	131, §3
transcripts of	131, §3
of lost goods and stray beasts	141, §2
of names and qualities of strangers, of probate of wills	143, §1
of administration of intestate estates, of testimony of witnesses out of court,	157, §1
of testimony of witnesses out of court,	158, §2

RECORD, <i>continued</i> .	
of returns of executions by marshal	102, §2
of names of such as take oath of fidelity	258, §1
of names of persons taking oath of allegiance	263, §2
of houses and lands taken on execution	220, §5
of special court to be transmitted to court of assistants	38, §8
of disagreed cases in county court to be sent to court of assistants	87, §4
REEVES, JOHN (see HERESY).	
books of, penalty for having in possession	60, §4
to be publicly burned	60, §4
REGENERATION (see HERESY).	
penalty for denying	59, §1
REGIMENT (see MILITIA).	
RELIEF	
of persons driven from their habitations by the war	238, §16
of wounded soldiers, committee appointed	247, §7
of Indians	247, §8
RELIGION (see DOCTRINE, HERESY).	
REMONSTRANCE (see DISSENT).	
REPLEVIN (see ATTACHMENT).	
permitted on security, except upon execution after judgment or payment of fines	132, §1
of impounded cattle	18, §3; 125, §1
granted by clerk of writs	29, §1
writ of, to be issued in the king's name	161, §1
form prescribed	162, §1

REPRIEVF	
of condemned malefactor, by whom granted	35, §4
RESURRECTION (see HERESY).	
penalty for denying	59, §1
RESIDENCE	
of persons removing on account of war	246, §3
REVIEW	
may be had in same court on new evidence	152, §1
to be tried in same court as original action	206, §3

SABBATH (see LORD'S DAY).	
laws concerning observance of	132
denial of morality of Fourth Com-mandment declared heresy	59, §1
SAILORS (see VESSELS).	
claim upon vessel for dues	94, §5
to be provided with victuals and drink	95, §6
not to reshup until discharged	95, §7
special contract with master to hold good	95, §9
not to be carried to stay out above one year	96, §9
to receive wages promptly at end of voyage	96, §10
liable with master for damages by neglect	96, §11; 97, §16; 98, §17
penalty for absenting themselves from service	98, §18
for unruly conduct	98, §19
to keep watch at sea and in harbor	99, §21
penalty for desertion	99, §22
pursuit for	99, §23
to entertain no one on board without master's leave	99, §24
penalty for outrage upon master, for hindering voyage	100, §25
not to desert vessel in distress	100, §26
to save cargo, etc., in shipwreck	100, §27
penalty for consenting to export of coin	118, §2
no credit to be given	293, §1
process for debt void against	134, §4; 293, §1
SALE (see DEEDS).	
of real estate invalid unless acknowl-edged and recorded	33, §4
clerk of shire court to enter	33, §4
SALEM	
jurors from, not to be summoned to Ipswich	36, §7
county court for Essex to be held in, fairs and market days established	49, §1
committee of militia in	110, §11
searcher of coin appointed	118, §3
receiver of fortifications dues ap-pointed	140, §5
county-rates for 1672 allowed for re-pair of forts	203, §2
fine for constable refusing to serve	247, §6
shipping officer appointed	139, §3
surveyors of damaged goods ap-pointed	295, §8
established as port of entry	298, §1
port officer appointed	313, §6
naval office established	290, §3
number of licenses to be granted	351, §2

REVIEW, <i>continued</i>	
assessment of former costs	206, §4
ROBBERY, HIGHWAY	
penalty for on secular days	13, §1
on the Lord's day	13, §1
ROGUES (see VAGABONDS).	
ROYALTY	
on product of mines	117, §2
RUM (see LIQUORS).	
abatement of impost upon	268, §11
RUSSELL, JAMES	
appointed naval-officer at Boston	290, §2

S

SALISBURY	
county court for Norfolk to be held in	37, §7
enlistment of troopers in	313, §4
naval-officer appointed	313, §7
SALT	
measurers to be appointed	134, §1
fees	135, §1
Turtoodas, not to be used in curing fish	54, §6
SALTER, JOHN	
proclaimed pirate	355, §1
SALTPETRE	
selectmen to encourage production of,	135, §1
SCHOOLS	
reading and writing to be taught in towns of 50 families	136, §1
grammar schools in towns of 100 families	136, §2
penalty for neglect increased	137, §3; 305, §3
number in towns of 500 families	305, §2
instruction for university to be given,	136, §2
teachers to be sound in the faith	136, §3
exempt from military ser-vice	109, §9
SCOLDING	
scolds to be gagged and ducked	206, §1
SCOUTS	
established in frontier towns	246, §5
SCRIPTURES (see HERESY, WORD OF GOD).	
penalty for denial to be word of God,	59, §2
SEAL	
public, governor to affix to all com-missions, etc.	135, §1
secretary's fees therefor	136, §1
to be affixed to copies of grants of land	354, §2
standard weights and measures to be sealed with	155, §1
for new standard measures	279, §3
of treasurer's office	72, §12
of notary public	312, §5
for leather, to be provided by towns,	89, §4
power of attorney valid without seal,	266, §7
SEALERS	
of weights and measures, appointed,	155, §1
of leather, appointed by towns	89, §4
oath prescribed	168, §23
to seal unwrought leather before it is dressed,	212, §13
SEARCHERS	
of money, appointed	118, §3
of pipe-staves	122, §1
of powder, appointment of and duties,	126, §2
oath prescribed	169, §30

SEARCHERS, <i>continued.</i>	
of pickled sturgeon	210, §4
of leather (see SEALERS).	
SECRETARY (see CLERK).	
elected by ballot	47, §2; 274, §1; 282, §3
oath prescribed	165, §13
to furnish copy of records of names of freemen	38, §12
to receive fees for entry of petitions,	121, §1
to make copy of special orders for delivery by marshal-general	131, §5
to transmit copies of navigation act	140, §3
to issue all writs, etc., in king's name,	161, §1
SECURITY (see BOND).	
for perishable produce taken in dis- tress	41, §1
SEIZER (see SEARCHER).	
of leather for transportation	205, §2
freemen to choose	205, §2
SELECTMEN (see TOWNS).	
to be chosen by towns	148, §2
instructed in writing	148, §2
eligibility to election	148, §4
property qualification re- moved	352, §6
penalty for refusal to serve	55, §1
to assess persons wearing apparel in excess of their station	5, §1
to appoint perambulators of town bounds	10, §1
to receive notice of injury by defect- ive highway, etc.	12, §2
to order fencing of common fields	17, §2
to appoint fence-viewers	19, §3
to determine small causes, when	21, §2
to grant execution	21, §2
to value real and personal estates for taxation	23, §3
to assess strangers	25, §1
to care that children be taught to read	26, §1
to place apprentices	26, §1
to assess cost of maintenance of min- ister	45, §17
to give certificates of freeholders	56, §2
to apprehend Quakers	61, §9
to lay out town-ways	64, §1
to view and approve stallions to run on common	66, §2
to doom goods fraudulently invoiced for entry at custom-house	71, §7
to license innkeepers	79, §1; 351, §1
to mount guns and repair forts	111, §11
to provide ammunition	112, §15
materials for work in house of correction	127, §3
to encourage production of saltpetre	135, §1
to appoint officers there- for	135, §1
to admit no school-teachers of un- sound faith	136, §3
to appoint burial-place of suicide in highway	137, §1
to make orders for clearing common lands for sheep-keeping	138, §1
to appoint how much each family shall spin	141, §1
to order watch	154, §1
to choose a sealer of weights and measures	155, §1
to have custody of standard weights, etc.	155, §1
to appoint measurers of corn, etc.	156, §2
to pay bounty to Indians for wolves killed	160, §2

SELECTMEN, <i>continued.</i>	
to limit number of cattle on common lands	211, §8
to appoint inspectors of wool in sea- port towns	219, §2
to raise money for purchase of arms,	227, §3
to appoint persons to search out un- licensed houses of entertainment	235, §8
to compel restitution of overcharge by laborer	236, §11
to impress men to harvest crops of absent soldiers	245, §1
to care for persons and estates of in- sane	248, §9
to set up cage for Sabbath-breakers,	250, §2
to make quarterly list of persons who have not taken oath of fidelity	257, §1
to require idle persons to work	294, §4
to settle new comers in diligent em- ployment	337, §1
constables to serve all warrants of	150, §8
of Boston and Charlestown to regu- late employment of porters	124, §1
SELF-MURDER (see SUICIDE).	
SENTENCE (see CAPITAL PUNISHMENT).	
of death, when to be executed	30, §1
warrant for	30, §1
no man to be twice sentenced for one offence	129, §1
SENTINEL (see MILITIA).	
SERGEANT-MAJOR (see MILITIA).	
SERVANTS (see MASTERS).	
regulation of apparel	6, §1
penalty for embezzlement from mas- ters	13, §2
for pilfering and theft	13, §1
instruction of, by masters	26, §1
disobedient, how punished	27, §2
not to frequent public houses	27, §3
forbidden to engage in trade without master's license	104, §1
hours of workmen prescribed	104, §2
fugitive, to be pursued	104, §3
wages to be set by freemen in towns,	104, §4
all to be bound to same rates	105, §4
wages to be paid in corn	105, §5
except by special agreement	105, §5
flying from cruel master, may be harbored	105, §6
none to be put off above a year with- out authority	105, §7
if maimed by master to go free, etc.	105, §8
faithful service for seven years re- warded	105, §9
unfaithfulness punished	105, §9
not to be taken as passenger on ves- sel without permit	281, §1
unauthorized discharge of firearms by	349, §1
in satisfaction of debt	305, §5
SETTLEMENT	
of paupers, by county court	123, §1
three months' residence to determine inhabitancy,	123, §1
persons forced from their habitations by law, not to become a charge to other towns	238, §16
of book accounts (see DEBT).	
SHEEP	
rate of, for taxation	212, §12
tax upon, when brought from other colonies	283, §4
repealed	287, §2
liberty to keep on commons	137, §1
proportion of sheep to cows	138, §1
coursing with dogs forbidden	138, §2

- SHEEP, continued.**
 if killed by dogs, penalty . . . 138, §2
 regulation of washing wool . . . 138, §3
- SHIP-BUILDING (see VESSELS).**
 laws of construction and survey . . . 138, §1
- SHIP-CARPENTER (see VESSELS).**
- SHIP-MASTER (see VESSELS, MASTER OF).**
- SHIPPING (see VESSELS).**
 laws concerning . . . 138
- SHIPWRECK (see VESSELS).**
 seamen to endeavor to save tackle and cargo . . . 100, §27
 compensation for . . . 100, §27
- SHIRE COURT (see COUNTY COURT).**
 to confirm nomination of clerk of writs by town . . . 29, §1
- SHOEMAKERS (see LEATHER).**
 to be taxed on income . . . 24, §3
 forbidden to act as tanners . . . 88, §1
 searchers to seize boots, etc., made of insufficient leather . . . 90, §3
- SHOOTING**
 at mark, in towns or highways, forbidden . . . 349, §1
- SHUFFLEBOARD (see GAMING).**
 forbidden in public houses . . . 57, §1
- SKINS (see HIDES).**
- SLANDER**
 conviction and punishment for lying no bar to action . . . 92, §1
 attainted jury may sue for . . . 320, §1
- SLAVERY (see BONDS-LAVERY).**
- SMITHS**
 to be taxed on income . . . 24, §3
- SMOKING (see TOBACCO).**
- SNAPSHOTS**
 musketeers required to provide . . . 251, §6
- SODOMY**
 punished by death . . . 15, §8
 except by compulsion or under 14 years . . . 15, §8
- SPEECH**
 liberty of by inhabitant or foreigner, 90, §1
- SPINNING**
 selectmen to require each family to spin . . . 141, §1
 time and amount of production established . . . 141, §1
- SPIRIT, FAMILIAR (see WITCHCRAFT),**
 consulting with punished by death, 14, §2
- SPRINGFIELD**
 county court of Hampton to be held in . . . 38, §7
 searcher of coin appointed . . . 118, §3
- STALLION (see HORSE).**
- STILLMAN, ELIAS**
 appointed searcher of coin in Pascataqua . . . 118, §3
- STOCKS**
 penalty for theft . . . 13, §2
 drunkenness and tipping, 81, §4
 lying . . . 91, §1
 profane swearing . . . 145, §1
- STRANGERS**
 to give an account of themselves immediately on arrival . . . 143, §1
 names and qualities to be recorded, 143, §1
 posted in all port towns, 143, §1
 Christian fugitives to be succored . . . 143, §1
 to enjoy equal protection of law . . . 143, §1
 not to be entertained above 3 weeks without license . . . 143, §1; 226, §8
 to give security for admission to Boston . . . 226, §7
- STRANGERS, continued.**
 oath of fidelity required . . . 120, §2
 to be assessed for taxation . . . 25, §1
 allowance in trials at law . . . 152, §4
 special court for . . . 38, §3
 may enter action in any court . . . 38, §3
 on security . . . 207, §1
 against another stranger . . . 294, §2
 deceased, provision for probate of wills . . . 158, §2
- STRAYS (see CATTLE, LOST GOODS).**
- STRONG WATER (see LIQUOR).**
- STUDENTS**
 of Harvard College exempted from military service . . . 109, §9
- STURGEON**
 regulation of packing and salting . . . 209, §4
 searchers to be appointed . . . 210, §4
- SUBSCRIPTION (see OATHS).**
 required to no covenant, etc., except as established by law . . . 119, §1
- SUDBURY**
 designated as frontier town . . . 247, §5
- SUFFOLK**
 commissioners of, to set price of corn . . . 25, §3
 time and place of holding county court . . . 37, §7
 market-day established . . . 49, §1
 fines for galloping in streets of Boston to be paid into county treasury, 59, §1
 jurors for court of assistants to be chosen from . . . §86, §1
 command of militia in . . . 107, §1
 date of regimental meetings . . . 116, §22
 committee appointed to examine war rates . . . 248a
- SUFFRAGE (see FREEMEN, VOTES).**
- SUICIDE**
 to be buried in common highway with cartload of stones upon the grave, 137, §1
- SUITS, VEXATIOUS (see ACTIONS),**
 to pay treble damages . . . 3, §8
- SUMMONS (see ATTACHMENT),**
 clerk of writs to grant . . . 29, §1
 to be issued in king's name . . . 161, §1
 form of, prescribed . . . 162, §1
 any plaintiff may take out . . . 7, §1
 not affected by circumstantial errors, 7, §2
 to be served six days before court . . . 7, §2
 to briefly specify the case . . . 7, §2
 when party may refuse to appear . . . 7, §2
 to express in whose name the suit is brought . . . 8, §1
- SUPPLEMENTARY LAWS AND ORDERS** . . . 199
- SURETY (see BOND),**
 to be given for costs and damages on appeal in civil cases . . . 3, §1
 also for good behavior in criminal cases . . . 3, §1
 marshals and keepers of prisons to accept . . . 7, §2
- SURGEONS**
 not to use violent methods without consent of patient . . . 28, §1
 to have precedence at ferries . . . 50, §2
 exempt from military service on allowance of two magistrates . . . 109, §9
- SURVEYOR-GENERAL**
 to give yearly account of stock of ammunition . . . 112, §14
 to receive funds or money collected as fortifications dues . . . 140, §5
 to receive port dues yearly . . . 271, §9

SURVEYORS

of vessels in construction	138, §1
of highways, to be elected annually by towns	147, §1
penalty for refusal to serve	55, §1
of goods damaged on board ship, ap- pointed	295, §8
to be chosen yearly,	295, §8
of land, appointed	296, §9
form of oath	294, §10

SWINE

rate of assessment for taxation	23, §3
reduced	301, §1
when brought from other colonies	283, §4

SWINE, *continued.*

rate of assessment repealed	287, §2
towns to make orders for prevention of damage by	145, §1
towns to appoint officer to impress	145, §1
cattle fences to be sufficient against	145, §2
trespass by	20, §1
impounding of	125, §1
disposition of, if unclaimed	146, §3
to be marked with ear-mark by Eng- lish owners	205, §1
use of ear-mark by Indians forbid- den	206, §1
to be constantly ringed	295, §7

T

TAILORS

forbidden to make garments for chil- dren, etc., contrary to order of parents, etc.	6, §2
to be taxed on income	21, §3

TANNER (see LEATHER, HIDES).

forbidden to act as butcher, carrier, or shoemaker,	88, §1
penalty for selling leather insuf- ficiently tanned	89, §2
no other may buy raw hides	89, §1
repealed	205, §1

TAVERN (see INNKEEPER, LICENSE).

not to entertain children, students, etc.	27, §3
--	--------

TAXES

country rates	23, §3
levied only by general court	34, §1
treasurer to issue war- rant	23, §3
appraisement, when to be made	26, §1
one hundred pounds added to levy in aid of Har- vard College	30, §1
proportional allowance to be made to voluntary contributors	30, §1
payment in corn	24, §3
wampum not acceptable	154, §1
rates for polls and estates	23, §1
cattle, etc.	23, §3
reduced	301, §1
horses and mares	253, §11
income tax on artificers	24, §3
expense of apprehending and punish- ing Quakers	63, §10
rebate to towns for bounty paid for wolves killed	160, §3
special levy on landed property	296 b
county rates, arrears to be levied on warrant of county court	151, §4
corn, etc., to be ac- cepted at country rate,	152, §5
town rates to include cost of minis- ter's house	45, §16
of minister's maintenance,	45, §17
assessment of lands, where they lie	23, §2
persons where they dwell	23, §2
lands and persons out- side townships	24, §3
straogers	25, §1

TAXES, *continued.*

assessment of commissioner and board of assessors chosen	23, §3
meeting of	24, §3
list of males from sixteen years	23, §3
valuation to be made in sixth month,	23, §3
penalty for neglect	24, §3
of sheep, fixed	212, §12
merchants, etc., to be doomed	23, §3
appeal to county court	23, §3
collection of, by constable	25, §3
date of return of collections, non-payment, distress of goods for	21, §3
arrest of per- son	21, §2
exemption, magistrates and elders of churches,	23, §3
cattle under one year, hay and corn	23, §3
infirm artificers	24, §3
estates in England	25, §3
regularly ordained minis- ters	26, §1

TESTAMENT (see WILLS).

TESTIMONY (see WITNESS).

of two or more witnesses required for conviction in capital cases	158, §1
magistrate of commissioner may take out of court	158, §2
except in capital cases,	159, §2
to be recorded	129, §1; 158, §2
of participant in game to be good in law	58, §2

THANKSGIVING (see CHURCH).

day of, churches to celebrate	43, §7
every person to attend wor- ship	45, §15

THEFT

from orchard or garden, etc.	13, §2
one magistrate may determine small cases	13, §2
right to appeal from,	13, §2
of goods in value above 10 shil- lings	13, §3
concealment of	13, §3
penalty of neglect to prosecute	11, §1

TILES

earth for, regulation of digging	116, §1
prescribed for roofs in Boston	269, §2

TING, EDWARD

member of committee on soldiers' relief	247, §7
--	---------

- TIPPLING** (see **DRUNKENNESS, INN-KEEPER**).
 forbidden in public houses more than half an hour, etc. 80, §4
 penalty for 235, §8
 in wine-cellars, etc. 81, §7
 retailers, householders, etc. 81, §7
- TITHING-MEN**
 selectmen to appoint 249, §1
 to be chosen annually in precincts 270, §3; 341, §6
 duties prescribed 270, §3; 341, §7
 oath 271, §5; 341, §8
 penalty for refusal to serve 275, §4
 power to arrest disorderly persons
 idle persons 339, §2
 Sabbath-breakers 339, §3
 to inspect licensed houses, 259, §3; 339, §1;
 340, §5
 taking oath of fidelity 257, §1; 340, §4
 allowance for service 259, §3
- TITLE** (see **DEEDS, ESTATE, INHERITANCE**).
 a criminal offence to resist judgment of court concerning 11, §2
 fraudulent 32, §3
 assured by five years' undisturbed possession 124, §1; 206, §5
- TOBACCO**
 takers to be presented by constable to magistrate 66, §1
 use of, forbidden near houses, etc. 146, §1
 in inns, except in private room 146, §1
- TOLL**
 for grinding corn, established 106, §1
- TOLL BOOK** (see **CATTLE, CLERK OF WRITS**).
 of cattle and horses to be kept by clerk of writs 147, §1
- TORTURE**
 not to be applied before conviction 129, §1
 in capital case, to compel exposure of confederates 129, §1
 not to be barbarous or inhuman 129, §1
- TOWNS**
 to set boundaries within 12 months 10, §1
 to perambulate and renew marks 10, §1
 to pay proportionate cost of bridges in country highways 12, §1
 to impress workmen to repair bridges 12, §3
 to pay damages for injury by defective highways, etc. 12, §2
 to establish brand-mark for cattle 18, §3
 to dispose of lands and woods 147, §1
 in fee simple 353, §1
 confirmation of 354, §2
 no deed required 32, §2
 to grant lots 147, §1
 to choose officers annually 147, §1
 to make laws, not criminal, with penalty to twenty shillings 147, §1
 to levy penalties by distress 147, §1
 to choose selectmen yearly, or for less time 148, §2
 instructions in writing 148, §2
 to dispose of single persons, etc., to service 148, §3; 149, §7
 to impose fine for refusal to serve as constable 148, §5
 to make orders for prevention of damage by swine, 145, §1
 penalty for neglect, 146, §3
- TOWNS, continued.**
 to nominate clerk of writs 29, §1
 to nominate magistrates annually 47, §3
 to choose yearly surveyors of goods damaged on board ships 269, §8
 to appoint gangers, etc. 16, §1
 searchers and sealers of leather 89, §4
 to provide seal for 89, §4
 to appoint cullers of bricks 321, §4
 maritime, to appoint measurers of salt 135, §1
 of fifty householders to employ teacher 136, §1
 of one hundred householders to maintain grammar school 136, §2
 to assist Indians in fencing planted ground 76, §7
 to pay damages for injury by cattle to Indians' corn-fields 76, §7
 to appropriate no great pond to a particular person 91, §2
 to establish a sufficient pound 124, §1
 to entertain strangers not above three weeks without license 143, §1
 to provide a sufficient watch-house, safe storage for ammunition, 112, §15
 112, §15
 to pay bounty for wolves killed, not liable if killed outside bounds 325, §4
 to pay charges of care of insane 248, §9
 settlement of paupers 123, §1
 clerk to read the Sabbath laws at some public meeting 272, §10
 horse-racing forbidden within four miles of 347, §1
 to provide flints for soldiers 237, §13
 on frontier, to send aid in distress 247, §5
 firearms to be distributed proportionally among 227, §3
 deserted, regulations of re-settlement 267, §10
 meeting, liberty of speech and petition 90, §1
 qualifications of voters in 148, §4
 restriction of common privileges 149, §6
 charges of, how assessed 23, §2, 3
- TRADE**
 with Indians 75, §2
 regulation of licenses for 78, §12
- TRADESMEN**
 to be taxed on income 24, §3
- TRADING-HOUSES**
 unauthorized, to be demolished 76, §5
 with Indians, abolished 237, §14
- TRAINING** (see **MILITIA**).
 persons exempt from 109, §9
 to be held six days yearly 108, §5
 reduced to four days 266, §2
 penalty for absence from, 204, §3; 266, §4
 fishermen must attend when at home, 209, §2
 masters of vessels in foreign trade only exempt 221, §10
 sale of liquors at, forbidden 265, §1
- TRAVEL**
 on the Lord's day, forbidden 134, §4
 from town to town on riotous pleasure, penalty 236, §12
- TREASON**
 defined 15, §12
 punished by death 15, §12; 263, §3
 no limit to time in which indictment may be brought 79, §1
 oath to disclose 262, §1

TREASURER

of the country, elected by ballot	. 47, §2; 274, §1; 282, §3
oath prescribed,	165, §12
seal of office	. 72, §12
general duties of	. 150, §1
to issue warrant for collection of fines from general court or court of assistants	. . . 151, §4
fees	. . . 151, §4
to account yearly	. 151, §4
to issue warrants for tax levy	. . . 23, §3
to receive and account for taxes	. . . 24, §3
to distrain constable for neglect	. . . 25, §4
forbidden to accept wampum in taxes	. 154, §1
to defray charges of hue-and-cry	. . . 31, §2
to pay charges of elders on public service	. . . 44, §13
to pay charges of witnesses in criminal cases	. . . 159, §3
levy on delinquent,	159, §3
to receive taxes for sale of liquors in licensed houses	. 69, §4
to empower collector of customs in port towns	. . . 70, §3
to execute customs laws	. . . 71, §10
to appoint deputies	. 72, §10
to appeal to governor and council in doubtful cases	. . . 72, §12
to collect excise on wine	. . . 82, §11
may substitute deputies in towns	. . . 82, §11
to grant licenses to trade with Indians,	78, §12
to pay bounty for killing wolves	. . . 159, §1
to allow rebate to counties and towns,	160, §2
to distribute printed copies of acts of general court	. 210, §7
to pay bills of towns on account of war disbursements	240, §23

TREASURER, *continued.*

of the country, powers continued after expiration of term	. . . 330, §3
of county, chosen annually by free-men	. . . 150, §2
clerk of county court ineligible	. . . 150, §2
general duties of	. . . 150, §2
to defray charges of hue-and-cry	. . . 31, §2
to receive all fines	. . . 151, §3
to issue warrant for collection	. . . 151, §4
fees	. . . 151, §4
to account yearly to county court	. . . 151, §4
to present names of negligent constables	. . . 152, §5
to accept corn, etc., at country rates	. . . 152, §5
to have powers like country treasurer	. . . 151, §5
TRESPASS (see ACTIONS).	
by cattle upon fenced fields	. . . 18, §3
involuntary, no damage	. . . 18, §3
by goats	. . . 18, §4
by swine or calves	. . . 20, §1
not exceeding forty shillings, to be determined by any magistrate	. 20, §1
or by commissioners	. . . 20, §1
by fishermen upon timber lands forbidden unless licensed	. . . 52, §1
on corn or meadow forbidden to fishers and fowlers	. . . 91, §2
TRIAL (see ACTION, CAUSES, COURTS, JURORS).	
to be first held in inferior court	. 152, §1
review on new evidence	. . . 152, §1
final appeal to general court	. . . 152, §1
choice of trial by bench or bench and jury	. . . 152, §2
challenge of jurors	. . . 152, §3
dispensations to children, etc.	. . . 152, §4
TROOPERS (see MILITIA).	
to furnish themselves with carbines,	226, §2
repeal of exemption from rates	. 228, §2
regulations for enlisting	. . . 267, §8
privileges of, revised	113, §16; 281, §2
repealed	. . . 287, §1
special order for assessment of order allowing Major Pike to enlist from foot soldiers	. . . 313, §4
TRUCKING HOUSES (see TRADING HOUSES).	
TRUST	
of gifts and legacies to colleges, etc.	9, §1
TURTOODAS	
salt, not to be used in curing fish	. 54, §4

U

UNITED COLONIES

form of commissioners' credentials . 163, §5

UNTIMELY DEATH

inquest upon 39, §1

UNWHOLESOME BEER (see BREWERS).

penalty for furnishing 11, §1

USURY (see INTEREST).

contrary to the law of God, forbidden 153, §1

V

VAGABOND

to be apprehended without warrant, 153, §1

punishment of 153, §1

Quakers, orders concerning 62, §10

VALUATION OF ESTATES (see TAXES).

VERDICT (see JURORS).

special 87, §3

partial 87, §3

failure to agree 87, §4

to be recorded 129, §1

VERDICT, *continued.*

- liberty of freemen in rendering . . . 153, §1
 silence to be counted in the negative . . . 153, §1
 corrupt or erroneous, proceedings in case of . . . 201, §1
 repeal of law allowing magistrates to refuse . . . 202, §1
 must be given upon merits of case, 272, §12

VEREN, HILLIARD

- appointed shipping-officer of Salem, Gloucester and Marblehead . . . 139, §3
 appointed collector of port dues for Salem and Marblehead . . . 271, §9
 superseded by Benj. Gerrish . . . 313, §6

VESSELS (see CUSTOMS, FISHING, MARITIME AFFAIRS, SAILORS, WRECK).

- survey of, in construction . . . 138, §1
 ship-carpenters to be appointed to view . . . 138, §1
 to condemn bad timber and workmanship . . . 139, §1
 regulations concerning ballast . . . 9, §1
 harbor dues to be paid . . . 69, §3
 right of passage when tide flows . . . 91, §2
 foreign traders to have freedom of harbors, etc. . . 139, §2
 port charges upon . . . 140, §5
 must acknowledge government . . . 141, §6
 officer of shipping appointed . . . 139, §3
 duties and fees . . . 139, §3
 rates of wharfage . . . 156, §1
 regulation of anchorage at Boston . . . 157, §2
 penalty for casting dirt into cove . . . 157, §3
 port dues established . . . 271, §9
 coasters exempted from giving bonds of entry and clearance . . . 290, §1
 regulations of entry and clearance . . . 298
 trade with ship forbidden until anchored in port . . . 299, §1
 in distress at sea . . . 100, §26
 owners, majority to agree in setting forth . . . 93, §1
 protest against charter . . . 93, §2
 liberty to sell his share . . . 94, §3
 may order change of voyage . . . 95, §9
 may recover damages from master and men for neglect . . . 96, §11
 liable with master for loss to shipper by deficiency of vessel . . . 97, §15
 master of, exempt from military service . . . 109, §9
 only if in foreign trade . . . 221, §10
 no attachments to issue against without security, 294, §2
 in refusal of part owner may take up on bottomry . . . 93, §1
 to have single vote with owners in ordering of vessel . . . 94, §3
 liable for damage by negligence or incompetency, to make written agreement with sailors . . . 94, §5
 to provide victuals and drink for seamen and passengers . . . 95, §6
 to ship or entertain no seaman already engaged, 95, §7

VESSELS, *continued.*

- master of, to enter only charter ports . . . 95, §8
 may alter voyage on order, to pay wages promptly at end of voyage . . . 96, §10
 liable for damages by neglect . . . 96, §11
 by fouling at moorage . . . 96, §12
 by running down vessel at anchor . . . 97, §13
 by breaking loose from anchorage . . . 98, §17
 by deficiency of vessel . . . 97, §15
 of goods at sea . . . 97, §16
 to appoint watch at sea and in harbor . . . 99, §21
 to entertain no one on board at unseasonable times . . . 99, §24
 to stay by vessel in distress, 100, §26
 to give bond of vessel in port . . . 139, §3
 regulation of conduct on board . . . 140, §4
 to contribute powder or money in support of fortifications . . . 140, §5
 to bring passengers, strangers, before magistrate for examination immediately on arrival . . . 143, §1
 to deliver no goods without order from collector of port . . . 72, §13
 to observe acts of navigation and trade . . . 358, §2
 to make satisfaction for damaged goods . . . 295, §3
 forbidden to receive raw hides for export, 64, §1; 205, §2
 horses, unless registered . . . 65, §1
 sheep's wool . . . 219, §2
 coin . . . 118, §2
 pipestaves unviewed . . . 122, §1
 servant or negro as passenger without permit . . . 281, §1
 penalty for bringing in Quakers or heretics . . . 60, §4
 penalty for neglecting measurement of salt . . . 135, §1
 penalty for refusal to pay port dues . . . 271, §9
 regulations concerning import of wines and liquors . . . 329, §1
 sailors to receive no credit at public houses . . . 293, §1
 process for debt void against, desertion of . . . 99, §22
 how punished . . . 99, §23
 mutiny and piracy . . . 211, §9
 inefficient pilot, etc., to forfeit wages . . . 98, §20
 to keep watch at sea and in harbor . . . 99, §21

VICTUALLERS, (see INNKEEPERS, LICENSES).
to be taxed on income . . . 24, §3

VIEWERS
of pipestaves (see PIPESTAVES) . 122, §1
oath prescribed . 169, §32
of fish (see FISH) oath prescribed, 170, §34

VIEW OF ARMS (see MILITIA).

VILLAINAGE (see BONDSLAVERY).

VINTNER (see INNKEEPER, WINE).

VOLUNTEERS (see MILITIA).
to be subject to all martial laws . 242, §3

VOTE (see ELECTIONS, BALLOT).
freemen only to vote . . . 47, §1
penalty for illegal . . . 47, §1
Quakers, etc., disfranchised . . 48, §5
liberty of, to freemen . . . 153, §1
silence to be counted in the negative, 153, §1
penalty on moderator for refusal to put vote . . . 153, §1

W

WAGES (see SERVANTS).
freemen in towns to fix . . . 104, §4
to be paid in corn . . . 105, §5
penalty for exacting excessive . . 120, §1;
236, §11
of porters in Boston and Charles-
town to be fixed by selectmen . 124, §1
of men who work for absent sol-
diers . . . 238, §18; 245, §1
of idle persons in house of correc-
tion . . . 294, §4

WAMPUM
legal tender in payment of debts to
40 shillings . . . 154, §1
except country taxes . 154, §1

WAR (see MILITIA).
laws and ordinances of . . . 229
relief of persons driven from their
habitations by . . . 238, §16
disbursements of towns in, how set-
tled . . . 240, §23
with Indians (see INDIAN WAR).

WARD, SAMUEL
appointed searcher of coin in Marble-
head . . . 118, §3

WARRANT (see ARREST, CONSTABLE,
COURTS, EXECUTION, SUMMONS,
TAXES).

WATCH (see MILITIA, SENTINEL).
constable's, from first of May to end
of September . . . 154, §1
constable or selectmen to
order . . . 154, §1
charge to . . . 154, §1
duties of . . . 154, §1
penalty for refusal to
serve . . . 154, §1
every able-bodied man
liable . . . 155, §1
such as live at a distance
exempt . . . 155, §1
exemption of magistrates,
etc. . . . 155, §2
military, exemption from service in, 114, §18
towns to provide a sufficient watch-
house, . . . 112, §15

WATERTOWN
fairs established . . . 49, §1

WAYS (see HIGHWAYS).

WEIGHTS (see WEIGHTS AND MEASURES).
millers to provide, with scales . . 106, §1
new standard from England . . 291, §1

WEIGHTS AND MEASURES
country standards to be provided by
treasurer . . . 155, §1
for towns, by con-
stable . . . 155, §1
to be sealed by
treasurer . . . 155, §1
kept in custody by
selectmen . . . 155, §1

WEIGHTS AND MEASURES, *continued*.
sealers, selectmen to appoint . . 155, §1
to inspect and seal with town
seal for cattle . . . 156, §1
to destroy false weights, etc., 156, §1
penalty . . . 156, §1
further brass weights provided . . 272, §13
new standard from England, 279, §3; 291, §1

WEYMOUTH
rates of ferriage established . . . 50, §1

WHALE
cast ashore, to belong to the country, 161, §1

WHARFAGE
rates established . . . 156, §1
wharfinger may levy on goods . . 157, §1
regulation of anchorage at Boston . 157, §2
penalty for casting dirt into cove . 157, §3

WHARFINGER (see WHARFAGE).
to collect dues and penalties . . 157, §1

WHEAT (see BAKERS, BREAD, MARKET).
weight of bread regulated by price of, 8, §1
middle price of, to be published
monthly . . . 288, §4
prohibition of import . . . 106, §2
suspended . . . 239, §19

WHIPPING
punishment for burglary and high-
way robbery . . . 13, §1
pilfering and theft . . . 13, §2
unauthorized use of
horse . . . 19, §5
disobedient children
and servants . . . 27, §2
reviling magistrates
or ministers, 36, §6; 61, §7
setting fire to barn,
etc. . . . 51, §2
gaming . . . 58, §2
denying Scriptures
to be word of God, 59, §2
vagabond Quakers
at cart's tail . . . 62, §10
fornication . . . 54, §1
lying . . . 91, §1
unruly sailors . . . 98, §19;
100, §25
wife-beating and
husband-beating, 101, §1
rescue or pound
breach . . . 125, §2
profanation of
Lord's day . . . 133, §1
sporting in streets
or fields, or drink-
ing in public
houses after sun-
set Saturday or
Sunday . . . 133, §2
neglecting to pay
fines . . . 133, §3
profane cursing . . . 145, §2

WHIPPING, continued.

- punishment for vagabondage . . . 153, §1
- drunkenness in Indians . . . 78, §11
- bawdery . . . 208, §3
- misbehavior of children in meeting . 234, §6
- children absent from families at night . 236, §9
- violation of license, 352, §3
- upon commitment to house of correction . . . 127, §3
- in default of payment of fine for selling liquor to Indians . . . 212, §15
- not above 40 stripes at one time . 129, §1
- to be administered only for shameful crime . . . 129, §1
- constable to inflict . . . 31, §1
- WHOREDOM**
- punishment for . . . 208, §3
- WIDOW**
- dowry . . . 42, §1
- court to assign portion of estate of intestate husband . . . 158, §3
- WIFE (see MARRIAGE).**
- penalty for striking husband . . . 101, §1
- in absence of husband to take no lodger without consent of authority, 216, §4
- WILLS (see ADMINISTRATOR, ESTATE, LEGACIES).**
- age to make . . . 1, §1
- trustees under, to account to county courts . . . 9, §1
- penalty for forging . . . 54, §1
- houses or lands granted by . . . 32, §2
- fee of clerk of court for attesting . 130, §1
- to be entered for probate at next county court . . . 157, §1
- duties of executors and administrators . . . 157, §1
- administration granted in vacation of court . . . 158, §2
- to next of kin of intestate . . . 158, §2
- jurisdiction of county court . . . 158, §3
- powers of county court in administration . . . 330, §5; 333, §1
- WINE (see CUSTOMS, LICENSES).**
- import duty upon . . . 67, §1
- doubled . . . 253, §10
- suspended . . . 304, §1
- continued . . . 312, §1
- tax upon sales of . . . 69, §1
- vintners to account to treasurer for purchases and sales . . . 82, §11
- excise to be paid in wine . . . 82, §11
- not to be given to workmen or boys . . . 202, §1
- sale of, at training, forbidden . . . 265, §1
- regulations of entry . . . 329, §1
- WITCHCRAFT**
- punished by death . . . 14, §1

WITNESS (see EVIDENCE, TESTIMONY).

- two or more required in capital cases, 158, §1
- evidence of, may be taken out of court, 158, §2
- except in capital cases, 159, §2
- allowance for travel and expenses . 159, §3
- fine for non-appearance . . . 159, §3
- charges to be borne by delinquent . 159, §3
- oath prescribed . . . 167, §22
- WOLVES**
- bounty for killing . . . 159, §1
- payable by town or county within whose bounds they are killed . . . 325, §4
- special bounty to Indians . . . 160, §2
- additional act in encouragement . . . 160, §3
- WOMEN (see DOWRY, MARRIAGE, WIFE).**
- to be required to spin . . . 141, §1
- single, or wife in husband's absence, to lodge no one without consent . 216, §4
- WOOD**
- towns to grant rights in lands . . . 147, §1
- restrictions upon . . . 149, §6
- measurers of . . . 156, §2
- assize of, by boat-load . . . 160, §1
- measurement of cord established . 160, §1
- WOOL**
- penalty for selling improperly cleaned . . . 138, §3
- exportation of, forbidden . . . 219, §2
- inspectors of, appointed . . . 219, §2
- WORD OF GOD (see DOCTRINE, HERESY, SCRIPTURES).**
- trial according to, by general court, 1, §1
- liberty of churches under . . . 43, §1
- penalty for disparagement of . . . 44, §13
- books designated as the written and infallible . . . 59, §2
- penalty for denial of . . . 59, §2
- for second offence . . . 60, §2
- to prevail in moral cases against custom or prescription . . . 126, §1
- WORKMEN**
- artificers required to labor at harvest, 161, §1
- gift of liquor to, forbidden . . . 202, §1
- pay fixed for men impressed to harvest corn of absent soldiers . . . 238, §18
- WORSHIP (see CHURCH, IDOLATRY).**
- freedom of . . . 43, §6
- penalty for disturbing . . . 44, §14
- for absence from . . . 45, §15
- non-attendance upon, works disfranchisement . . . 48, §5
- of Quakers, forbidden . . . 250, §3
- WRECK**
- duty of seamen in case of . . . 100, §27
- persons and goods to be harbored and protected . . . 161, §1
- WRITS (see ACTIONS, ATTACHMENT, CONSTABLE, EXECUTION).**
- to be issued in the king's name . . . 161, §1
- clerk of (see CLERK OF WRITS).

Y

- YEAR**
- of regimental meetings fixed . . . 116, §22
- YORK**
- county court of Yorkshire to be held in . . . 37, §7

YORKSHIRE

- time and place of holding county court, 37, §7
- date of regimental meetings . . . 116, §22
- compensation of major . . . 116, §22
- YOUTH (see CHILDREN, MAID, PARENTS).**

BOSTON PUBLIC LIBRARY (RL)



3 8226 00026 587 3

